



Transport  
Canada

Transports  
Canada

Deputy Minister

Sous-ministre

Place de Ville  
Ottawa ON K1A 0N5

Mr. Palmer, Ms. Burke, Mr. Cardegna, Mr. Labrosse  
Joint clerks of the Committee  
Special Joint Committee on the Declaration of Emergency  
40 Elgin Street, Chambers Building  
House of Commons and Senate of Canada  
Ottawa ON K1A 0A4

In response to the May 31, 2022, adoption of the order for the production of documents related to the government's invocation of the *Emergencies Act* ("Production Order") by the Special Joint Committee on the Declaration of Emergency (DEDC), Transport Canada (TC) initiated a process to identify applicable records. TC's Safety and Security Group and Policy Group, who were involved in actions related to the occupation and blockades, reviewed records and identified documents that fit the criteria outlined in the motion.

The following documents were identified as applicable records, and form Transport Canada's submission package to DEDC in response to the Production Order. Fully bilingual and complete records, subject to applicable privileges and exclusions, are attached for the Committee's consideration.

**1. Backgrounder on the Impact of a Road Blockade at the Ambassador Bridge (February 11, 2022)**

Context: TC undertook an assessment of the economic impacts of a blockade at the Ambassador Bridge, the busiest crossing along the Canada-U.S. border, and assessed that the loss of trade through this important crossing would be exceptionally damaging to the economy and could result in a shortage of crucial medicine, food and fuel.

**2. Key Facts on Major Road Border Crossings in Ontario and Western Canada (February 14, 2022)**

Context: TC provided a summary of trade and transportation between Canada and the U.S. via major road border crossings across Canada, to demonstrate the volume and highly integrated nature of trade between the two countries.

**3. Illegal Occupation/Blockades: Strategic Enforcement Strategy (February 13, 2022)**

Context: TC provided analysis related to the use of commercial vehicles in illegal blockades, assessing what enforcement tools might be available to law enforcement of jurisdiction. This analysis was informed by discussions with provincial and territorial authorities responsible for road and vehicle safety regimes.



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**4. Tow Truck/Vehicle Removal Strategy (February 13, 2022)**

Context: In collaboration with Public Services and Procurement Canada and the Public Safety Portfolio, TC examined potential options to respond to challenges related to procurement of specialized tow services. This was a draft document to explore options, and it was not fully consulted with other departments and agencies, notably the Department of National Defence.

**5. Possible Actions (February 13, 2022)**

Context: TC reviewed the authorities and powers contained in various statutes under the responsibility of the Minister of Transport and examined options to help address the occupation and blockades, and to support law enforcement.

Transport Canada remains available to assist with any queries related to this submission package.

Sincerely,

Michael Keenan, Deputy Minister of Transport  
Transport Canada

Enclosures

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## BACKGROUND ON THE IMPACT OF A ROAD BLOCKADE AT THE AMBASSADOR BRIDGE

### **Key Messages:**

- The Ambassador Bridge is the **busiest crossing** along the Canada-U.S. border handling over around \$390 million of trade/day representing 26% of the country's exports and 33% imports by road. The bridge records more than 7,000 daily commercial vehicle crossings daily.
- It is estimated that the **cost to the Canadian economy** of a full shutdown of the bridge would likely be in the range of **\$45M/day** over the first week based on current mitigation efforts put in place by shippers and available alternative options. However, the impact could reach **\$86M/day to \$161M/day** (extreme case) in the event where other crossings become unavailable and the situation drags on in length.
- The impact will be especially acute for **manufacturers**, but especially the auto sector given its high concentration in Southern Ontario, its high integration with the US, and the just-in-time nature of its business model. Automakers in Canada and the US, including Ford, Toyota and Honda, have already started scaling back or cancelling production.
- From Monday to Thursday, February 7<sup>th</sup>-10<sup>th</sup>, the blockade at the Ambassador Bridge has **diverted traffic** away to nearby crossings, with Sarnia absorbing most of the excess traffic (100% increase) but also Fort Erie and Queeston (30% increase). The current net cumulative weekly effect (-7%) is relatively small. The rerouting of traffic however **erodes the number of hours** truckers are able to drive as per safety regulations and adds significant costs to the industry.
- This disruption adds to **pandemic-related supply chain disruptions**, such as the semiconductor shortages, truck labour shortage and the recent BC flooding.

### **Context**

“Freedom Convoy” protesters have set up blockades at a few major border crossings over the last few days resulting in delayed production and shutdowns, congestion at border crossings, delays in shipments, higher transportation costs.

As of February 11, **three border crossings were impacted**, while protesters are planning to disrupt an additional seven border locations (see map in **Annex A**):

- The blockage in **Coutts, Alberta**, which started at the end of January, allows one lane of traffic to open in each direction, limiting impact.

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- The border crossing in **Emerson, Manitoba**, has been fully blocked as of Wednesday night, February 9<sup>th</sup>.
- The **Ambassador Bridge, Ontario**, has been blocked since February 7<sup>th</sup>. The situation remains fluid, but protesters agreed to open one lane of traffic into Canada from the US on February 11<sup>th</sup>.

This backgrounder **focuses** on the economic impact of the blockade at the **Ambassador Bridge**.

### ***Importance of the Ambassador Bridge***

The Ambassador Bridge connects Windsor, ON to Detroit, MI. It is the **busiest crossing** along the Canada-U.S. border in terms of trade value and in terms of number of commercial vehicle border crossings.

It handled over **\$140B in merchandise trade** in 2021 (approximately \$390 million each day), which represents 26% (\$63B) of the country's exports moved by road and 33% (\$80B) of the country's imports moved by road.

The border crossing handles a diverse mix of high-valued freight drawn heavily from the **automotive and related manufacturing** sectors. Nearly half of imports and exports transiting through the Ambassador Bridge by road were automotive vehicles and parts, machinery and equipment, plastics, and electronics. Additionally, Canada imported \$4B in **pharmaceutical** products and \$2.4B in **medical equipment** and exported over \$2 billion each in pharmaceutical products and **prepared food** products through Ambassador in 2021 (see **Annex B** for more details).

Ambassador is particularly important to **Ontario and Quebec**, which accounted for almost 98% of origins for exports, as well as the Great Lakes states such as Michigan, Ohio, Indiana, and Illinois (see **Annex C** for more details on origin/destination).

It handled 2.7M **commercial vehicle crossings** in 2020 (more than 7,000 daily), which represents 28% of the national total and nearly twice the volume handled by the second largest border crossing in Sarnia.

### ***Economic impact analysis***

Transport Canada's preliminary economic estimates suggest that the closure of the Ambassador bridge will result in net losses to Canadian gross domestic product ranging from **\$45 million to \$161 million per day**. These results reflect an impact of around a week with varying degrees of mitigation efforts, and partial to wide-spread production shutdowns. These estimates also consider that Canada's **automotive sector** is vulnerable to the disruption given the just-in-time nature of this supply chain.

Given the current mitigation efforts and rerouting occurring at this point, the impact is more likely to be **closer to the lower bound** estimates (\$45M/day) than the

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wider upper bound. The impact could however increase if the disruption drags on for another week or other crossing points become inaccessible.

### Macro Economic Scenarios

Transport Canada developed three scenarios to analyze the impact of a bridge closure using an input-output model, taking into account that an array of Canadian industries is highly reliant on inputs imported via the bridge:

**Scenario 1: Shutdown of the auto sector (\$45M/day).** This scenario assumes that the automotive sector shuts down while other industries are able to continue producing thanks to **mitigation efforts** and rerouting traffic through alternative gateways.

However, these other industries are incurring losses based on perishability of their inputs and exports. For example, perishable goods, such as fresh vegetables or flowers are assumed to lose a high proportion of their value every day, while it is not the case for a firm exporting steel.

**Scenario 2: Shutdown of the manufacturing sector (\$86M/day).** This scenario assumes that, in addition to the shutdown of automotive industries, the lack of inputs for other manufacturing industries, such as machinery and primary metal manufacturing, also lead to shutdowns and inability to export.

**Scenario 3: Widespread shutdown across the economy (\$161M/day).** This scenario assumes that the disruption of imports and exports crossing the Ambassador Bridge leads to widespread shutdowns and production outages across the Canadian economy. This scenario assumes that traffic cannot be rerouted to other gateways.

See **Annex D** for detailed information on the economic impact of the blockade.

### Impact on key Supply chains

Certain industries will be impacted more significantly than others as they depend heavily on trade movements across the Ambassador Bridge to maintain their supply chain.

Canada's **automotive sector**, which is concentrated in Southern Ontario, is bearing the brunt of the bridge closure. The sector consists of a network of specialized manufacturers which are highly reliant on inputs imported from the U.S. It is one of the most integrated supply chains between the U.S. and Canada with components crossing the border by truck multiple times along the production process. There is a high share of U.S. content in Canadian exports of motor vehicles and parts to the U.S.

Many assembly plants also adopted **just-in-time organization models**, in which vehicle parts and components are produced and shipped on demand. This means that they carry very small inventories of parts (one or two days worth of production). Automakers in Canada and the U.S. have already started scaling back or cancelling production due to parts shortage:

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- **Ford Canada** is running its plants in Oakville, Ont., and Windsor at reduced capacity.
- **Toyota Canada's** facilities in Cambridge and Woodstock, Ont. are likely to remain idled for at least the rest of the week.
- **Honda Canada** briefly suspended production at its facility at Alliston, Ont., on Wednesday, and on Thursday and planned to temporarily suspend one production line on Friday.
- **Stellantis** plant in Windsor (which makes Chrysler minivans), cut production at two shifts on Tuesday before starting them up again on Wednesday.

The Canadian **food and beverage** manufacturing industry heavily relies on U.S. suppliers (fruits and vegetable), especially during winter time and delays created by the blockades will impact the freshness of products. There is a risk that some manufacturers will have to shutdown if the situation persists which could in turn lead to less availability of products and higher prices in food markets.

For many Canadian businesses, the blockades add to **pandemic-related supply chain disruptions**, such as the semiconductor shortages, that were already impacting the automotive industry. Similarly, the food industry was already compromised by two years of pandemic, labour shortages and the recent BC flooding.

### ***Potential rerouting options***

#### *Alternative border crossings*

Based on the latest Canadian Border Service Agency traffic counts, the blockade at the Ambassador Bridge has diverted traffic away from that border crossing to nearby crossings (Sarnia, Fort Erie and Queenston).

For the week of February 7<sup>th</sup> (Monday through Thursday), commercial traffic at the Sarnia border crossing (Blue Water Bridge) was almost twice the volume experienced during the prior week while it was 30% higher in both Fort Erie and Queenston, indicating significant regional redistribution of traffic to those border crossings as Ambassador remained closed off.

The net cumulative impact of the Ambassador Bridge blockade from Monday to Thursday was relatively small (-7% compared to the previous week).

The rerouting of traffic however imposes challenges to manufacturers as well as the trucking industry. Rerouting adds unnecessary time to a trucker's journey. As regulations in Canada limit the number of consecutive hours a commercial truck driver can work, this will impact the capacity of the transportation industry.

Commercial and traveller border crossing volume at Ambassador Bridge, Sarnia, Fort Erie and Queenston are shown in **Annex E**.

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Limited modal substitution

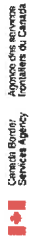
The product mix carried by the Truck and Rail modes has little overlap. Rail specialises in moving heavy, bulky goods on long distances while truck concentrates in moving time-sensitive, finished and manufactured goods on relatively short distances. As a result, the **scope for modal substitution**, especially at short notice during emergencies, is **very limited**.

**Annex F** shows the top commodities moved by rail and road to/from nearby, middle and far states.

In terms of **other substitution options**, auto and pharmaceutical manufacturers have been considering using **air** as an alternative mode of transportation to move their products.

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**ANNEX A:**



Canada Border Services Agency  
 Agence des services frontaliers du Canada

**COVID Mandate Protests – Impacts to Commercial CBSA Ports of Entry**

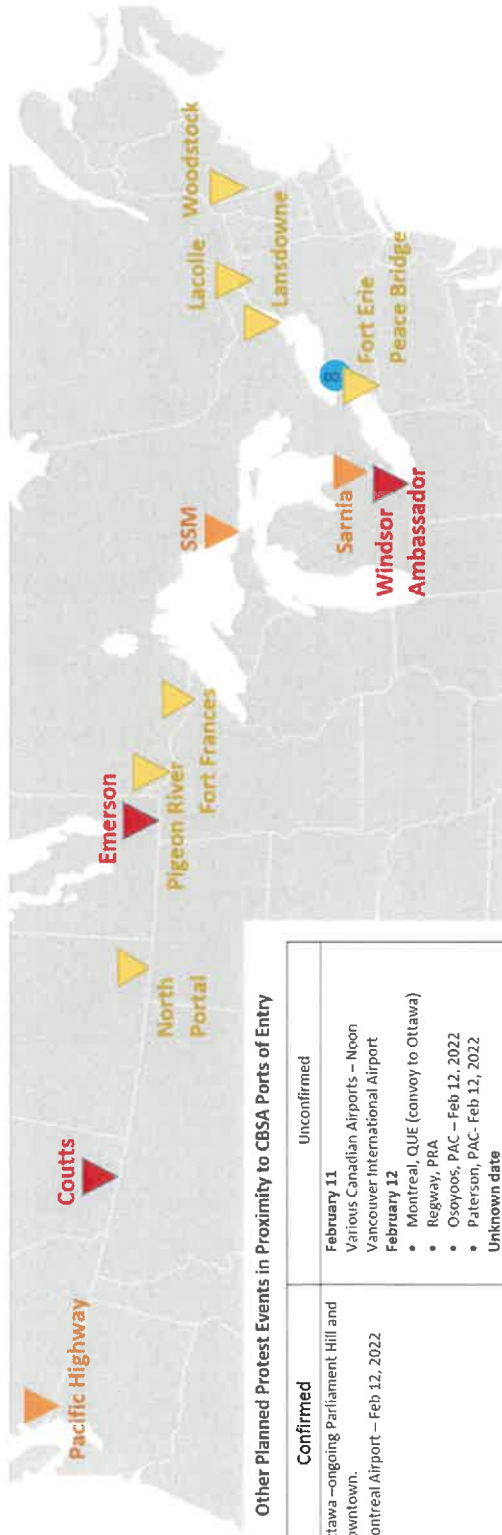


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- Ongoing Blockade of CBSA Port of Entry – Travellers and Commercial Goods
- Ongoing Protest in Proximity to CBSA Port of Entry – No Impact
- Planned Protest in Proximity to CBSA Port of Entry
- CBSA Port of Entry – Designated Commercial Office – Not Currently Impacted

**CBSA Designated Commercial Offices (Land)**

- 1. Pacific Highway Commercial
- 2. Coutts
- 3. North Portal
- 4. Emerson
- 5. Sarnia (Blue Water)
- 6. Windsor (Ambassador)
- 7. Fort Erie (Peace Bridge)
- 8. Queenston
- 9. Lansdowne
- 10. St-Bernard-de-Lacolle
- 11. Woodstock



**Other Planned Protest Events in Proximity to CBSA Ports of Entry**

Confirmed	Unconfirmed
<ol style="list-style-type: none"> <li>1. Ottawa—ongoing Parliament Hill and Downtown.</li> <li>2. Montreal Airport – Feb 12, 2022</li> </ol>	<p><b>February 11</b></p> <ul style="list-style-type: none"> <li>• Various Canadian Airports – Noon</li> <li>• Vancouver International Airport</li> </ul> <p><b>February 12</b></p> <ul style="list-style-type: none"> <li>• Montreal, QUE (convoy to Ottawa)</li> <li>• Regway, PRA</li> <li>• Osoyoos, PAC – Feb 12, 2022</li> <li>• Paterson, PAC- Feb 12, 2022</li> </ul> <p>Unknown date</p> <ul style="list-style-type: none"> <li>• Boissevain, MG</li> </ul> <p>United States</p> <ul style="list-style-type: none"> <li>• Buffalo – Feb 11, 2022</li> <li>• Peace Bridge, NY – Feb 12, 2022</li> <li>• Port Huron / Sarnia – Feb 12, 2022</li> </ul>

PROTECTION SERVICES - INTEGRITY

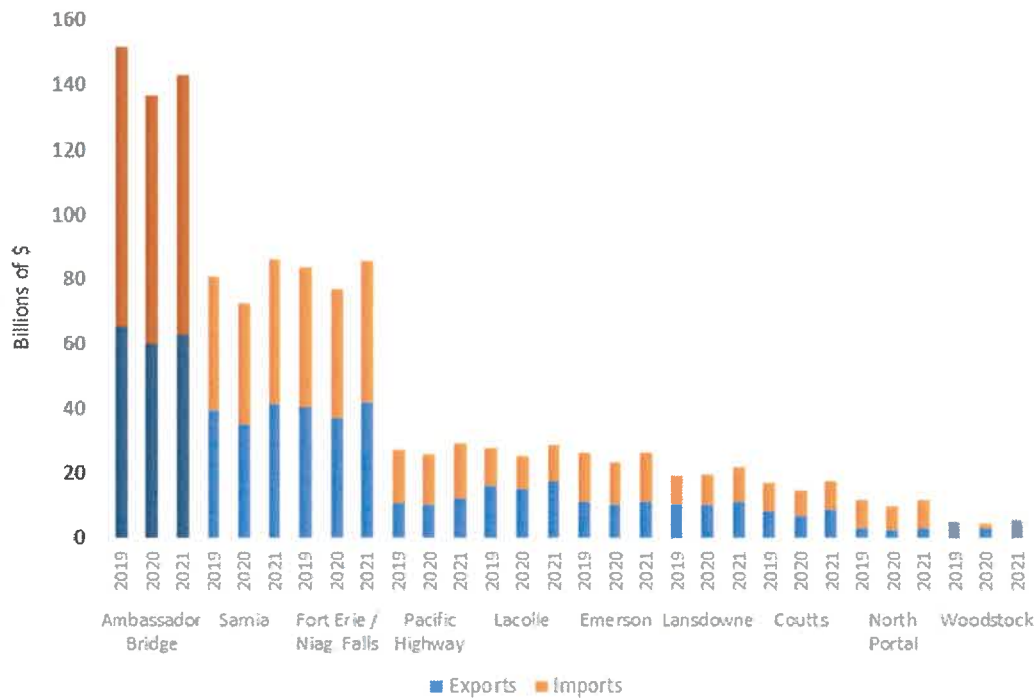




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**ANNEX B:**

**Total value of exports and imports, top 10 crossings, 2019-2021**



**Imports (Source: Statistics Canada, Merchandise Trade Statistics)**

HS2 Commodity Type	2019		2020			2021		
	\$ value (B)	% share	\$ value	% share	y/y change	\$ value	% share	y/y change
Automotive	\$23.50	27.20%	\$17.70	23.10%	-24.70%	\$17.40	21.70%	-1.70%
Machinery	\$15.40	17.80%	\$13.50	17.60%	-11.90%	\$13.60	17.00%	0.70%
Electronics	\$9.20	10.60%	\$7.60	10.00%	-16.70%	\$7.40	9.30%	-3.00%
Pharmaceutical products	\$1.80	2.00%	\$1.90	2.50%	10.30%	\$4.00	5.00%	106.20%
Plastics	\$3.40	3.90%	\$3.40	4.40%	-0.60%	\$3.70	4.60%	8.90%
Medical or surgical equipment	\$2.40	2.80%	\$2.20	2.80%	-8.70%	\$2.40	2.90%	8.80%
Furniture	\$2.50	2.90%	\$2.20	2.90%	-11.50%	\$2.20	2.70%	-3.20%
Iron and Steel	\$2.10	2.40%	\$1.70	2.20%	-20.80%	\$2.10	2.60%	25.00%
Articles of iron or steel	\$2.00	2.30%	\$1.80	2.40%	-7.60%	\$2.10	2.60%	13.10%
Prepared food	\$1.30	1.50%	\$1.50	2.00%	16.30%	\$1.40	1.80%	-5.40%
All other commodities	\$22.90	26.50%	\$23.20	30.20%	1.00%	\$23.90	29.80%	3.20%
<b>Total</b>	<b>\$86.40</b>	<b>100.00%</b>	<b>\$76.80</b>	<b>100.00%</b>	<b>-11.20%</b>	<b>\$80.10</b>	<b>100.00%</b>	<b>4.30%</b>

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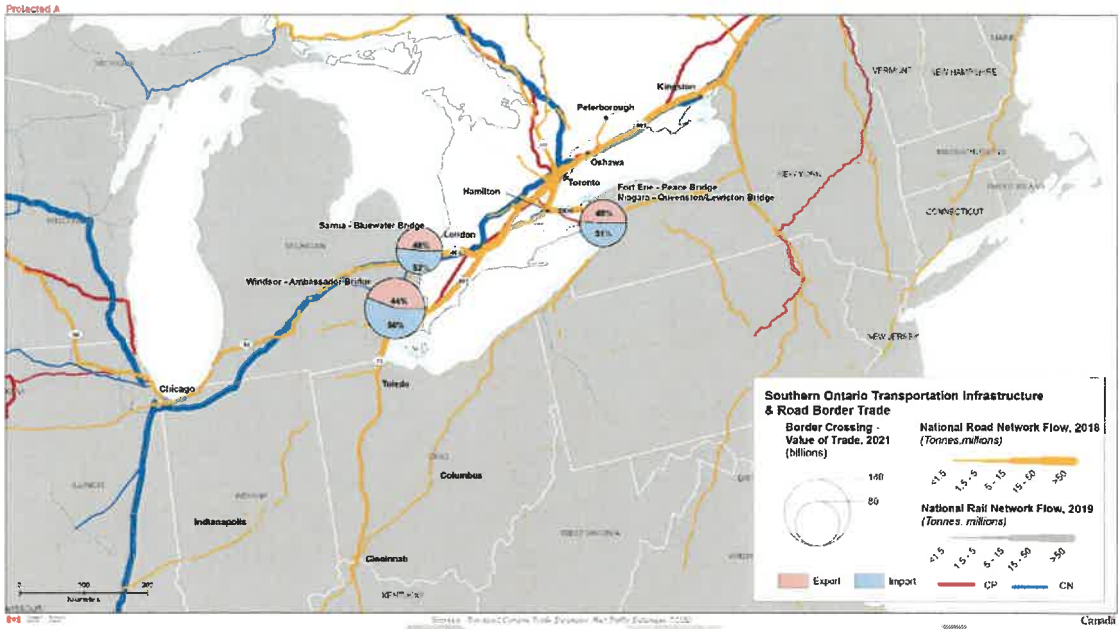
## Exports (Source: Statistics Canada, Merchandise Trade Statistics)

HS2 Commodity Type	2019		2020			2021		
	\$ value (B)	% share	\$ value	% share	y/y change	\$ value	% share	y/y change
Automotive	\$18.10	27.70%	\$14.30	23.80%	-21.20%	\$13.30	21.10%	-6.50%
Machinery	\$10.40	15.90%	\$8.70	14.40%	-17.00%	\$8.50	13.50%	-1.20%
Plastics	\$2.90	4.50%	\$3.10	5.10%	4.20%	\$3.40	5.40%	11.50%
Electronics	\$2.80	4.30%	\$2.70	4.40%	-6.30%	\$2.90	4.60%	10.20%
Pharmaceutical products	\$2.40	3.60%	\$2.30	3.90%	-2.00%	\$2.40	3.70%	1.10%
Iron and steel	\$1.60	2.40%	\$1.50	2.40%	-5.50%	\$2.30	3.70%	58.30%
Prepared foods	\$1.80	2.80%	\$2.10	3.50%	12.70%	\$2.20	3.50%	6.40%
Furniture	\$2.30	3.50%	\$2.00	3.30%	-13.50%	\$2.00	3.10%	0.30%
Articles of iron or steel	\$1.50	2.30%	\$1.40	2.40%	-3.70%	\$2.00	3.10%	39.70%
Aluminum and articles thereof	\$1.20	1.90%	\$1.40	2.30%	12.10%	\$1.70	2.80%	28.20%
All other commodities	\$20.40	31.20%	\$20.70	34.50%	1.30%	\$22.40	35.40%	8.20%
<b>Total</b>	<b>\$65.50</b>	<b>100.00%</b>	<b>\$59.90</b>	<b>100.00%</b>	<b>-8.40%</b>	<b>\$63.20</b>	<b>100.00%</b>	<b>5.40%</b>

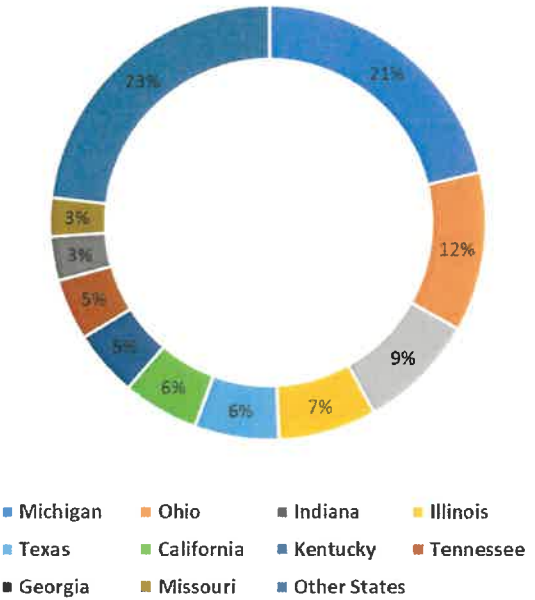
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**ANNEX C: Value of trade at Southern Ontario border crossings, and road and rail network flows**

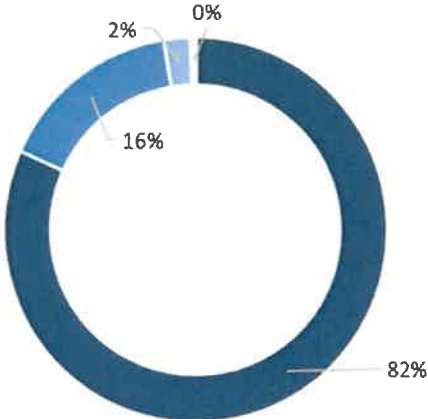


Share of Road Trade to/from Top States exit/clear at Ambassador Bridge by Value, 2021



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Share of Export Value by Province of Origin , 2021



■ Ontario ■ Quebec ■ Eastern Canada ■ Western Canada

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**ANNEX D: Ambassador Bridge Closure – Economic Impact**

(Daily impact on Canadian GDP during first week, \$ millions)

Industry	Scenario 1 "Low"	Scenario 2 "Middle"	Scenario 3 "High"
All industries	45.2	85.5	160.6
Transportation equipment manufacturing	14.8	15.1	15.9
Food and beverage manufacturing	1.0	1.3	11.6
Machinery manufacturing	0.4	7.9	8.4
Chemical manufacturing	0.5	1.0	8.1
Primary metal manufacturing	1.5	6.3	6.7
Other manufacturing	1.5	2.5	14.7
Wholesale and retail trade	4.5	8.2	14.6
Transportation and warehousing	2.2	4.1	8.0
Agriculture and forestry	0.8	1.0	7.9
Other industries	18.1	38.1	64.7

Source: Transport Canada

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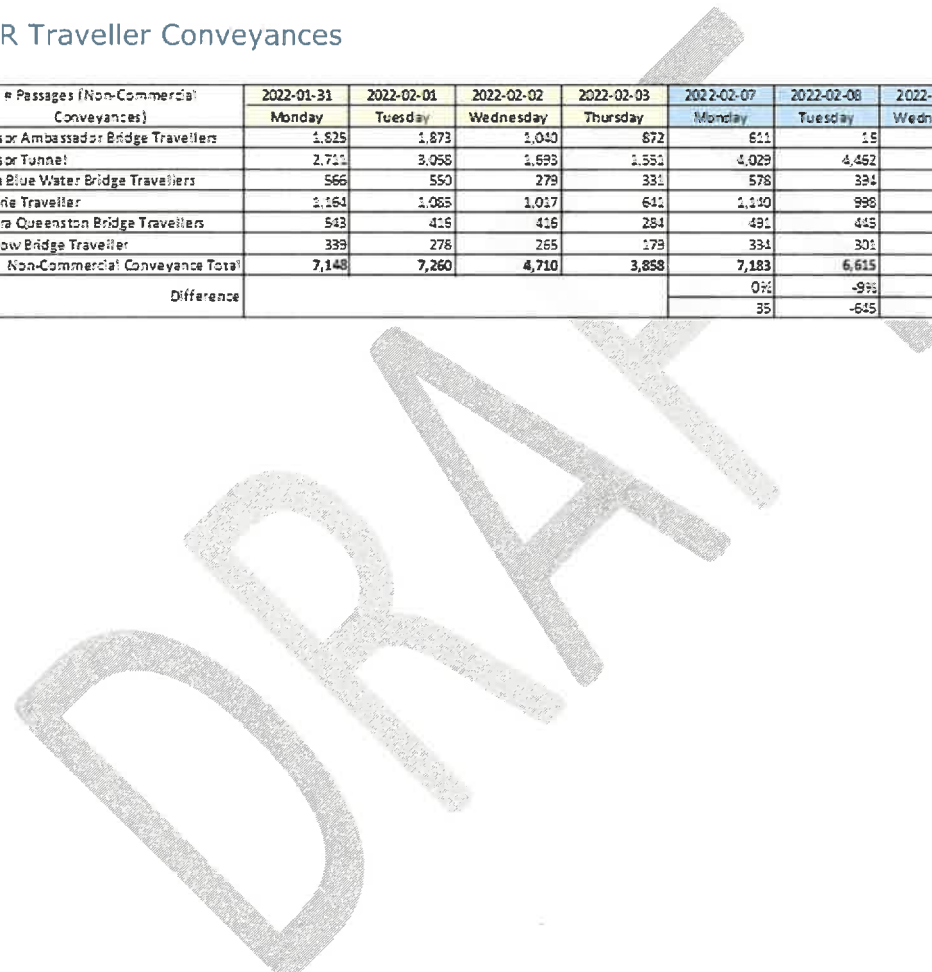
**ANNEX E: Commercial and traveller border crossing volume at Ambassador Bridge, Sarnia, Fort Erie and Queenston**

SOR Commercial Conveyances

# Passages (Commercial Conveyances)	2022-01-31	2022-02-01	2022-02-02	2022-02-03	2022-02-07	2022-02-08	2022-02-09	2022-02-10
	Monday	Tuesday	Wednesday	Thursday	Monday	Tuesday	Wednesday	Thursday
Windsor Ambassador Bridge Commercial	3,554	4,854	4,365	3,365	1,725	5	0	0
Sarnia Blue Water Bridge Commercial	2,117	2,825	2,152	1,937	2,663	4,645	5,119	4,894
Fort Erie Commercial	1,238	1,762	1,832	1,260	1,362	2,009	2,241	2,526
Niagara Queenston Commercial	1,166	1,356	1,440	1,017	1,213	1,372	1,954	1,954
<b>Commercial Conveyance Total</b>	<b>8,097</b>	<b>10,840</b>	<b>9,819</b>	<b>7,599</b>	<b>6,966</b>	<b>8,231</b>	<b>9,274</b>	<b>9,384</b>
Difference					-14%	-24%	-6%	23%
					-1,131	-2,609	-545	1,769

SOR Traveller Conveyances

# Passages (Non-Commercial Conveyances)	2022-01-31	2022-02-01	2022-02-02	2022-02-03	2022-02-07	2022-02-08	2022-02-09	2022-02-10
	Monday	Tuesday	Wednesday	Thursday	Monday	Tuesday	Wednesday	Thursday
Windsor Ambassador Bridge Travellers	1,525	1,873	1,040	672	611	15	21	16
Windsor Tunnel	2,711	3,058	1,693	1,551	4,029	4,452	4,823	4,752
Sarnia Blue Water Bridge Travellers	566	550	279	331	578	394	360	455
Fort Erie Traveller	1,164	1,065	1,017	641	1,140	996	969	930
Niagara Queenston Bridge Travellers	543	416	416	284	491	445	452	556
Rainbow Bridge Traveller	339	278	265	179	334	301	381	455
<b>Non-Commercial Conveyance Total</b>	<b>7,148</b>	<b>7,260</b>	<b>4,710</b>	<b>3,858</b>	<b>7,183</b>	<b>6,615</b>	<b>7,026</b>	<b>7,244</b>
Difference					0%	-9%	4%	8%
					35	-645	2,316	3,386





## Key Facts on Major Road Border Crossings in Ontario and Western Canada

### Ontario

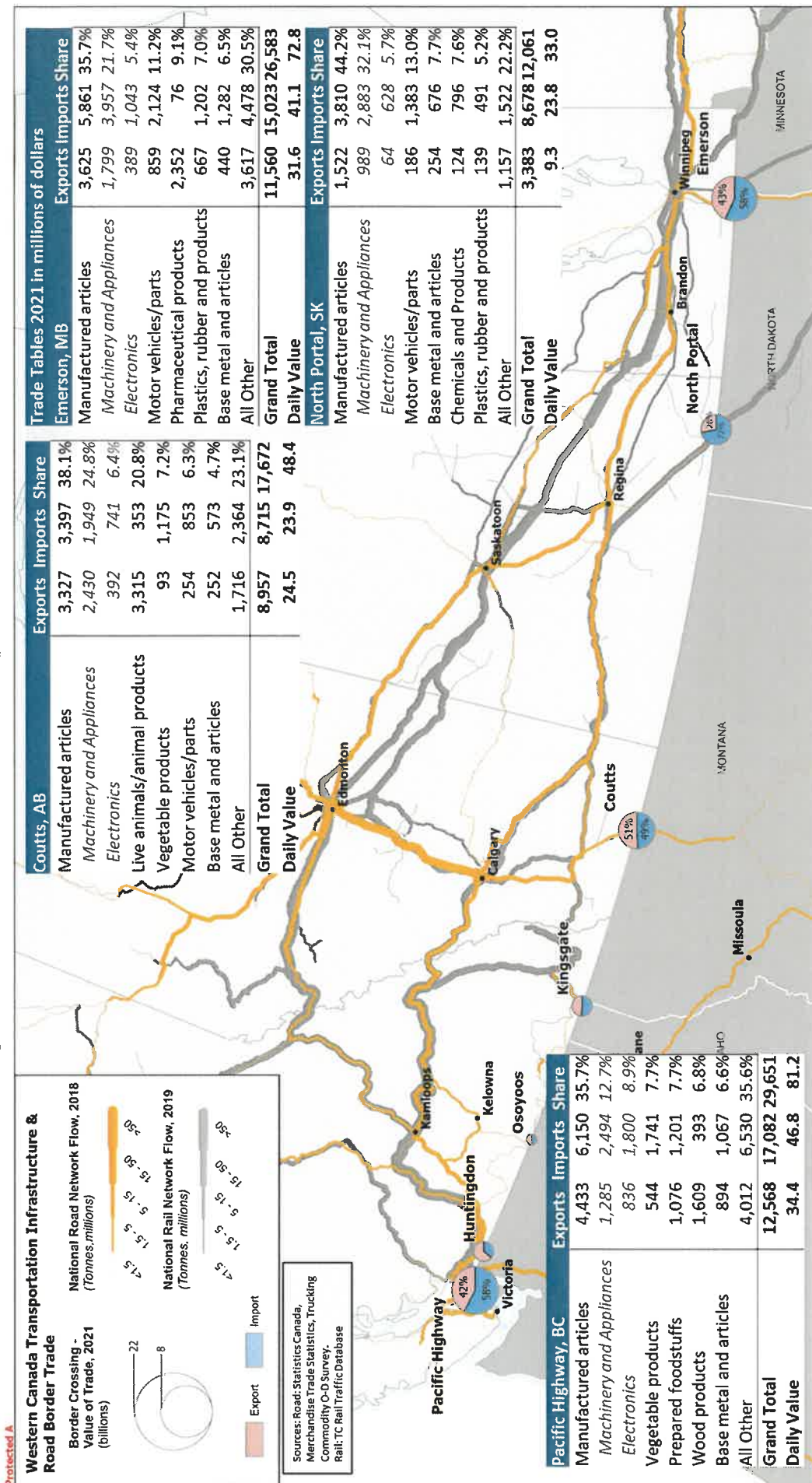
- The three most important border **crossings in Ontario** (Windsor-Ambassador, Sarnia, Fort Erie-Niagara) accounted for more than \$315 billion in trade annually in 2021 (\$147 billion in exports, \$169 billion in imports). Manufacturing and automotive were the most traded commodities.
  - **Ambassador Bridge, ON** is the busiest border crossing in Canada facilitating more than \$140 billion in trade, with manufacturing and auto making up more than 50% of the value.
  - **Sarnia, ON**, had a trade volume of \$86 billion in 2021 with close to 55% being manufactured or automotive and parts related goods.
  - **Fort Erie-Niagara** had a trade volume of \$86 billion in 2021. Manufactured goods, metals and automotive goods accounted for most of the trade.

### Western Canada

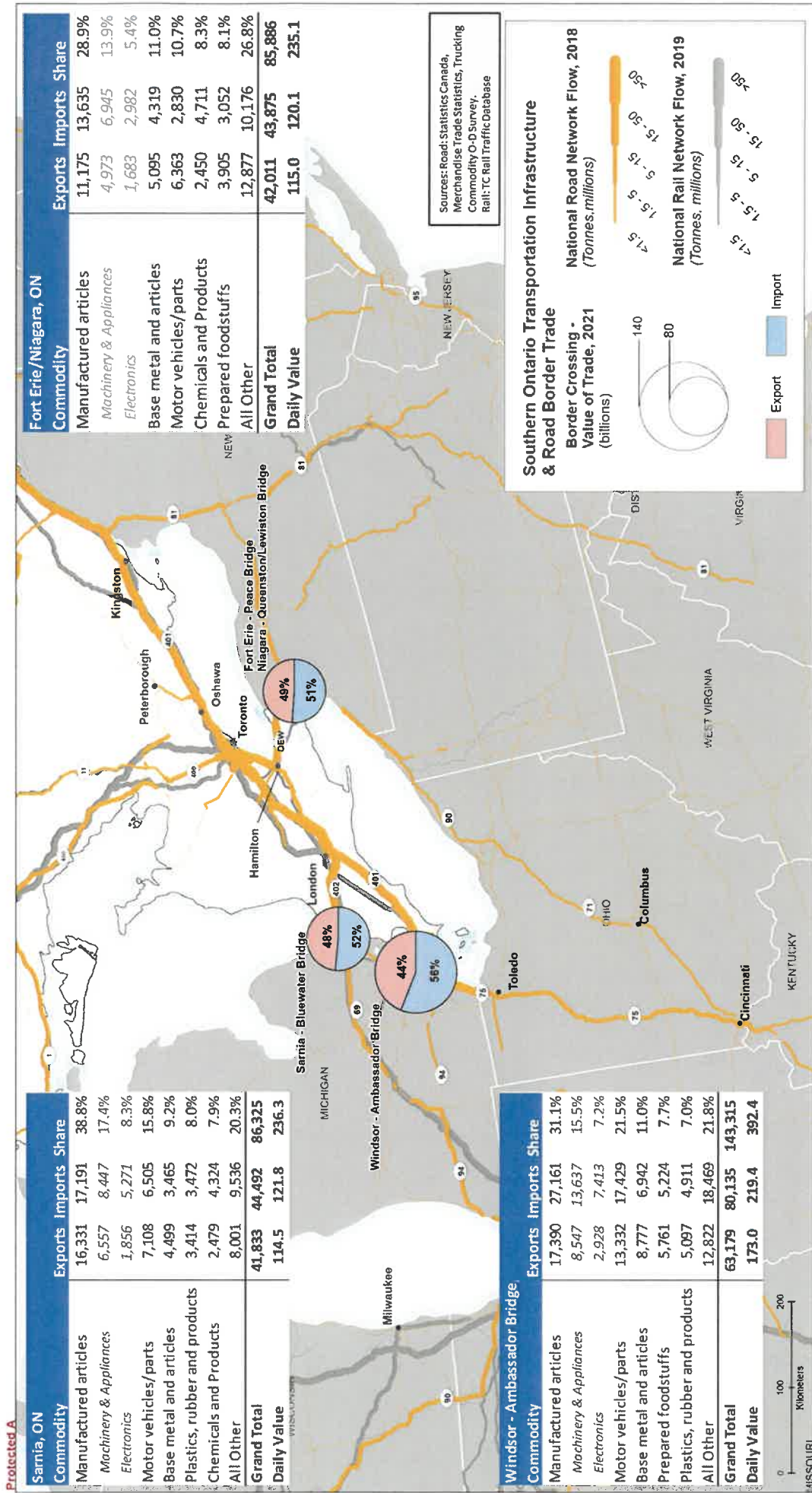
- There are four key **major commercial land border crossings** in Western Canada: Pacific Highway, BC, Coutts, AB, North Portal, SK, Emerson, MB
- In 2021, those four land border crossings accounted for a total **trade volume of \$86.0 billion**; of this \$36.5 billion were imports and \$49.5 billion exports. Manufactured articles comprise the largest commodity, accounting for 37.4% of the trade volume of the four major land crossings.
  - **Pacific Highway, BC**, is the busiest border crossing in Western Canada, with a trade volume of \$30 billion in 2021. Manufactured articles, accounted for 35.7% of total trade while, other important commodities included vegetable products and prepared food products.
  - **Coutts, AB**, had a trade volume of \$17.7 billion in 2021. Apart from manufactured articles, which made up 38.1% of trade volume, the crossing is important for agricultural products, which accounted for 28.0% of trade.
  - **Emerson, MB**, accounted for a total of \$26.6 billion in trade volume in 2021. Of this, 35.7% were manufactured articles. In addition, motor vehicles and parts accounted for 11.2%, while pharmaceutical products made up another 9.1%.
  - **North Portal, SK**, had a trade volume of \$12.1 billion, 44.2% of which were manufactured articles. In addition, 13.0% of trade volume consisted of motor vehicles and parts.

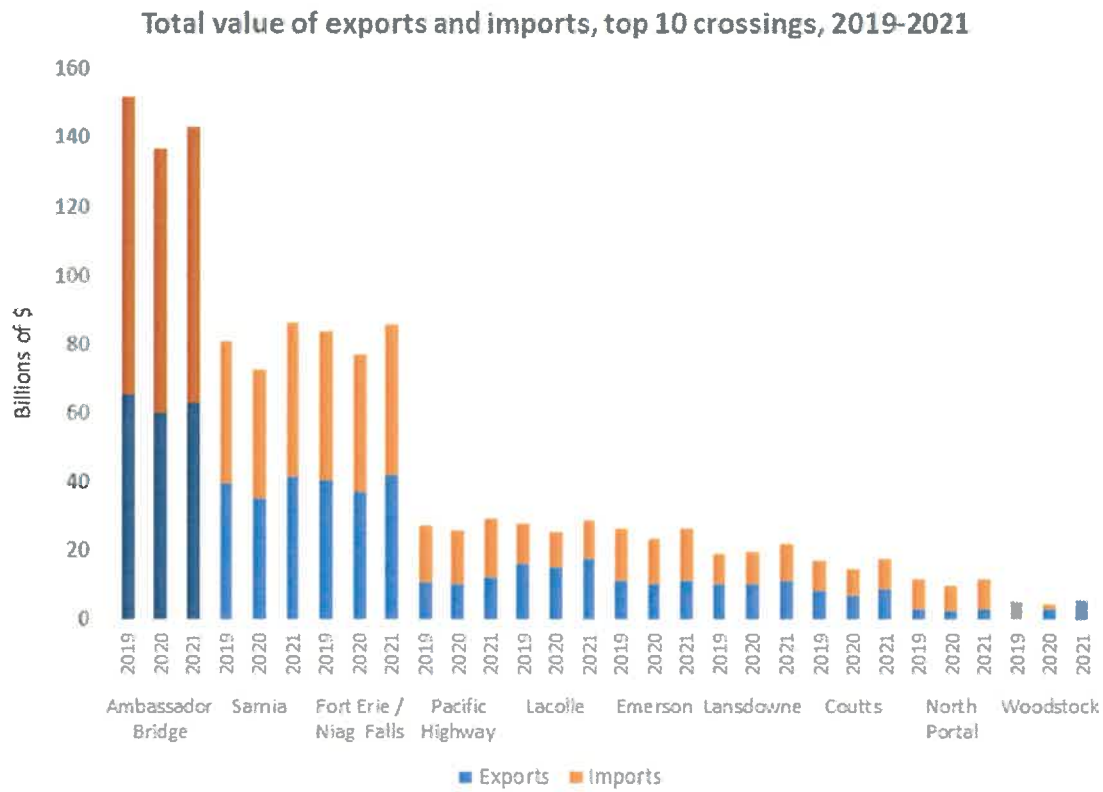


# Principal Land Border Crossings, Western Canada



# Principal Land Border Crossings, Eastern Canada





## **Illegal Occupation/Blockades: Strategic Enforcement Strategy**

### **CONTEXT**

Given the complexity of the ongoing multi-day occupations and blockades, safe resolution requires three levels of government to collaborate and exercise all appropriate authorities. To those ends, and in particular with respect to illegal activity involving commercial motor vehicles (trucks), Transport Canada offers a 'strategic enforcement strategy' for consideration by police services, local governments and transportation authorities of jurisdiction, cities and provinces. The strategy involves two key elements:

- 1. Communications**
- 2. Enforcement**

### **1. COMMUNICATIONS**

Some individuals involved in illegal activity as part of the demonstrations do not believe they are doing anything illegal and hence there will be no negative consequences for such actions. The opposite is true. The consequences could be severe.

Immediately adopting this strategy and communicating clearly and directly to protestors (and to Canadians) about the illegal activities at play – and their impact – could incent compliance and “peel off” some trucks once their owners realize the potential economic costs and risks.

**The sequencing of messaging is important. The plan is for the following key messages to be used by federal, provincial and municipal leaders when local law enforcement is ready to take action and when there is a reasonable prospect for enforcement soon, while giving protesters time to comply.**

- Participating in lawful protests is a fundamental right in Canada. Breaking the law is not.
- Blockades are forcing some factories to down tools and send workers home. They are interfering with their ability to earn a living and access essential goods, including food from grocery stores. And they are making Canadians feel threatened in their homes and communities.
- Those involved in these blockades and breaking multiple provisions of each of the following:
  - municipal bylaws
  - The provincial Highway Traffic Act
  - The *Emergency Management and Civil Protection Act [Ontario only]*
  - The *Critical Infrastructure Defence Act [Alberta only]*
  - *Criminal Code of Canada.*
- Mischief, intimidation, obstructing police efforts, unnecessary use of horns, traffic infractions – these, and many other violations, are all punishable by law with fines in the thousands of dollars, permanent records of criminal convictions, and even jail time.
- The vehicles used in the blockades are subject to seizure and being impounded by the police
- Truck owners and operators should know that, by emergency order in the province of Ontario, can have their driver's licence, plate portion of the permit, or CVOR certificate immediately suspended or canceled. And that they may be subject to a fine of up to \$100,000 or a year in jail – for each day they defy the law.
- Those in Alberta that are obstructing, interrupting or interfering with the operation of essential infrastructure in a manner that renders it inoperative can be fined from \$1,000 to \$25,000 and/or imprisonment. Further, anyone who aids, counsels or directs another person to commit an offence is also guilty of an offence.
- The Governments of Canada and the United States both have committed that anyone convicted of a criminal offence in relation to these blockades will not be able to cross the border. That means, Canadians will not be permitted to enter the U.S. and U.S. citizens will not be permitted to enter Canada.

- All of these convictions and fines [and forfeitures of assets] are subject to due process of course in the courts and by provincial regulatory authorities.
- To be clear: it is illegal to block highways and city streets and hold the livelihood of your fellow citizen ransom.
- Know this: The authorities will uphold the law are empowered to make arrests, lay charges and pursue enforcement action vigorously. Anyone who continues these illegal activities should consider themselves warned of the consequences.
- But we truly prefer it prefer it not come to that. So, we urge protestors to understand what is at stake. For the sake of your own safety, your economic well-being, and your ability to earn a livelihood with your commercial vehicle.... we ask you to go home now.

## 2. Enforcement (See Annex A for examples of infractions)

There is an opportunity to take decisive enforcement action where commercial trucks or other vehicles are involved as part of an unlawful protest/demonstration:

### A. Police

1. Issue tickets for each vehicle in contravention of provisions of applicable legislation and/or where drivers fail to comply with police requests/direction.
2. Conduct surveillance, gather plate numbers and driver information of all vehicles involved and pass on to Provincial authorities.
3. Tow, impound and in some cases seize implicated vehicles.

### B. Provincial Transportation Authorities

1. Support local law enforcement in managing vehicle flows by, for example, conducting roadside safety and emissions inspections with maximum penalties for infractions (e.g. fines or impounding vehicles)
2. Use, or establishment, of provincial emergency legislation creating additional offences for illegal blockades as in Nova Scotia, Ontario and Alberta.
  - i. For example, any person in Ontario that fail to comply with an order made under the emergency order or interferes with or obstructs any person in the exercise of a power or the performance of a duty, the fine is (a) individual not more than \$100k or 1 year imprisonment, (b) corporation not more than \$10M or 1 year imprisonment (c) individual who is a director or officer of a corporation not more than \$500k or 1 year imprisonment. These are daily offense. Courts may increase the fine imposed on a person by an amount equal to the financial benefit that was acquired.
3. Assess surveillance data to determine if further investigation/audit warranted related to the Commercial Vehicle Operators Registration.

### C. Provincial Solicitor Generals / Attorneys General

1. Provide direction to crown prosecutors to implement this Strategy through aggressive prosecutions and maximum penalties.

### D. Federal, Provincial and Municipal Governments

1. Maximize opportunities to aggressively publicize resulting prosecutions and sentencings to serve as a deterrent to future acts.
- 2.

By way of additional context, it is important to note additional considerations for truck drivers beyond those that might apply to drivers of typical passenger vehicles, notably:

- *Class 1 (Class A) Driver Licence*
  - Licence can be suspended due to convictions for serious criminal code infractions related to driving (impaired driving, dangerous driving causing injury, death etc.)
  - Licence can also be suspended due to a large accumulation of demerit points
- *Commercial Motor Carrier Profile (e.g. referred to in Ontario as Commercial Vehicle Operator's Registration (CVOR) certificate)*

- CVOR is issued to the company (including an owner-operator) and under the certificate is a carrier safety rating
- Safety rating can be impacted by convictions related to driving/safety under the criminal code, highway traffic act, failed inspections, and other safety incidents.
- Each driver under a CVOR also has a driver abstract that is similarly impacted by the above and affects the carrier rating
- Carrier ratings and driver profiles/abstracts are available to the public and affect cost and availability of insurance.



**Annex A: Examples of Possible Infractions**

**Typical Municipal Bylaws** include the following (titles and punishments vary by municipality):

- Fire Routes - \$5000 on conviction in Ottawa
- Idling
- Noise – fines range from \$400 to \$10,000 in Ottawa and up to \$5000 in Windsor
- Traffic and Parking

**Typical provincial highway legislation, such as the Ontario *Highway Traffic Act*\* (HTA)** includes the following:

- Offense to block/park on roadways
- Offense to drive slowly as to impede traffic
- Commercial drivers may be subject to examination related to insurance and dangerous good at any time, with failure to comply representing a significant offense
- Commercial drivers may be subject to safety inspection, with failure to comply a serious offense

\*Some sections of the HTA are superseded by municipal by-laws

The National Safety Code, governed by the federal/provincial/territorial Canadian Council of Motor Transport Administrators, establishes a national framework for the consistent application of violations to motor carrier profiles across jurisdictions.

Using Ontario’s HTA as an example, the following is a small sample of violations under **provincial highway legislation** that can carry ‘points’ and can have negative implications for the driver and commercial motor carrier profiles (Ontario CVOR)

HTA 75: <b>Horn/bell violation</b> (1 CVOR)
HTA 132: <b>Unnecessary slow driving</b> (1 CVOR)
HTA 170: <b>Improper parking on roadway</b> (1 CVOR) <b>Improper parking interfering with traffic</b> (1 CVOR)
HTA 172: <b>Obstruct police duties</b> (3 CVOR)
HTA 216 (7) : <b>Fail to comply with direction of officer (during examination)</b> (5 CVOR)

Under the ***Criminal Code***, the following key offences may be applicable in the context of this strategic enforcement approach:

**Intimidation CC s. 423(1)(g):**

423 (1) Every one is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he or she has a lawful right to do, or to do anything that he or she has a lawful right to abstain from doing,

...  
(g) blocks or obstructs a highway.

**Punishment**

(3) Every person who contravenes this section is guilty of an indictable offence and is liable to imprisonment for a term of not more than fourteen years.

CC s. 2 defines "highways" as:

**highway** means a road to which the public has the right of access, and includes bridges over which or tunnels through which a road passes

**Mischief CC s. 403(1):**

430 (1) Everyone commits mischief who wilfully

- (a) destroys or damages property;
- (b) renders property dangerous, useless, inoperative or ineffective;
- (c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or
- (d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

**Punishment**

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and liable to imprisonment for life.

(3) Every one who commits mischief in relation to property that is a testamentary instrument or the value of which exceeds five thousand dollars

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or
- (b) is guilty of an offence punishable on summary conviction.

(4) Every one who commits mischief in relation to property, other than property described in subsection (3),

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
- (b) is guilty of an offence punishable on summary conviction.

**Obstruction of Justice:**

129 Every one who

- (a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,
- (...) is guilty of
- (d) an indictable offence and is liable to imprisonment for a term not exceeding two years, or
- (e) an offence punishable on summary conviction.

**Other potential Criminal Code offences that could apply to violent protests and other illegal actions include:**

- Section 31 breach of the peace
- Sections 63-69 unlawful assemblies and riots; includes wearing a mask or disguise during an unlawful assembly
- Section 127 disobeying a Court order
- Section 175 causing a disturbance
- Sections 265-269 assault and assault causing bodily harm
- Section 270 assaulting a police officer
- Section 351(2) wearing a mask or disguise, with intent to commit an indictable offence
- Section 423(1)(c) intimidation – persistent following
- Section 423(1)(g) watching and besetting

## **Tow Truck /Vehicle Removal Strategy**

### **Problem:**

There is an urgent need to assist local policing in moving vehicles, in particular large trucks, from ongoing blockades and demonstrations. As of now, critical areas are Ottawa and Coutts, Alberta with Emerson, Manitoba quickly emerging. Described below is a proposed operational approach with key supports required for each.

### **Proposed operational approach:**

5 escalating steps to be taken by police of jurisdiction based on circumstances:

1. Compel driver to move the vehicle
2. Another person drives the vehicle (e.g. police officer, designated official)
3. If not in movable condition, a mechanic prepares it for driving and it is driven to secure location
4. Vehicle is towed from the area to a secure location
5. If no tow capacity or unable to tow, take other measures to move the vehicle (e.g. push vehicle off roadway where feasible)

### **Supporting elements and considerations:**

\*\* Some tailoring likely necessary to account for local conditions.

1. Compel driver to move the vehicle, with consequences explained if unwilling
  - a. We have seen in Windsor how several drivers moved their vehicles after consequences were explained
  - b. Consequences need to be severe including large fines and seizure authorities and aggressively communicated. Ontario's emergency authorities ratified on February 12, are a model approach.
  - c. Need for coordinated approach (federal, provincial or municipal) for development and imposing of consequences
2. Another person drives the vehicle if operator unwilling
  - a. Deploy commercial driver on contract or a municipal, provincial or federal employee with proper level of licence (e.g. Class 1)
    - i. All levels of government to identify employees with required competencies who can be seconded
  - b. Clarify and address any potential liabilities
  - c. Police /protection escort required
  - d. Storage strategy required (i.e. where and stored by whom)
    - i. Options include RCMP surplus vehicle locations; federal properties under control of PSPC; provincial, municipal yards
3. If not movable, mechanic prepares it to make it drivable

- a. Many vehicles have been rendered unmovable at the blockades including removing of tires or otherwise.
  - b. First sources include commercial mechanics or mechanics from municipal/provincial agencies
  - c. Second, deploy municipal, provincial and federal employees who are trained as mechanics
    - i. All levels of government to identify employees with required competencies
  - d. Police protection required
  - e. Storage strategy required
4. Tow vehicle to a secure location
- a. If a large commercial vehicle, tow capacity is limited and specialized. In many cases, tow operators are unwilling to assist for a variety of reasons.
  - b. Removing / towing a large truck is complex requiring up to 4 hours per truck to do so safely.
  - c. First approach is to utilize whatever commercial capacity exists through tailored procurement vehicles.
    - i. Incentives for participation (i.e. premium prices) and penalties for not providing services to be included in procurement vehicles. (Further legal analysis required on options related to penalties. Ability to apply penalties limited in each jurisdiction but collective action may be impactful.)
    - ii. Large freight operators and insurance companies may be able to help encourage the provision of towing services where they have existing relationships.
  - d. If tow trucks are available (e.g. Alberta is already procuring them) but operators are not, identify and deploy municipal, provincial and federal (including CAF) employees for specialized skills
  - e. Out of province / country resources to be sourced and secured if necessary
  - f. Police protection required
  - g. Storage strategy required. Government secure lots to be identified and utilized.
5. If the vehicle can't be towed and is blocking traffic, take other measures to move it.
- a. Heavy equipment exists that can move vehicles out of the path of traffic.
    - i. Utilize municipal, provincial and federal assets and source commercial capacity.
  - b. Police protection required
  - c. Vehicle is not stored in the short term.

**Execution:**

The execution of this strategy will be by local police with the support of municipalities primarily and by provinces and the federal government.

With the exception of step 1, there will be a need to ensure that proper authorities are in place, and that sites are safe/secured – for the duration of the operations – for preparing and moving of equipment.

To assist the police, a network of local, provincial and federal procurement authorities will be established to ensure a consistent approach. The execution of the procurement strategy will be led locally and supported federally, including financial assistance in some cases (e.g. reimbursing Alberta for tow trucks it is purchasing).

- As needed, the federal government can support procurement gaps by use of an NSE that would provide PSPC up to \$15M in authorities.

Protection may need to be provided to tow companies and participating personnel, such as anonymity for private tow services (e.g. remove/hide logos, provide “burner” plates).

Finally, clear linkages with police operational planners in each jurisdiction is required in order to operationalize the strategy and adjust as required.

#### **Next Steps:**

- 1. RCMP with PSPC:** Immediately connect procurement authorities in Alberta, Manitoba and Ottawa with provincial and federal procurement officers, assess options and agree on approach. Procurement options for the removal of vehicles and, if necessary, storage strategy, are key elements.
- 2. PS with TC:** Immediately assemble implicated police and provincial officials to explain strategy and tie-in to enforcement approach.
- 3. TC:**
  - a. Arrange for calls by Minister to US senior elected officials (Montana and North Dakota)
  - b. Engage large freight operators and seek cooperation
- 4. PSPC:**
  - a. Refine procurement options (assistance to local procurement and if needed initiate federal procurement) and enable coordinated procurement.
  - b. Confirm availability of secure storage locations should they be needed
  - c. Engage large insurance companies and seek cooperation

February 13, 2022

## Additional Authorities

### Background:

In support of efforts to address illegal blockades Transport Canada has identified some additional actions that might be taken under existing authorities (Part 1) and authorities that could be secured under the Emergencies Act (Part 2).

In both instances, effective implementation of most of these measures requires enforcement efforts by key partners (local law enforcement in particular).

### Part 1: Additional actions under TC Authorities

- Enhanced Preparedness and Response
  - Through Safety / Security Management System regulations –compel (safety lens under authorities of RSA-CSA-AA or under Section 47 of CTA) operators of Critical Infrastructure (ie. Ports, Ferry Terminals, Airports, Railways) to **update safety and security plans and measures in light of this new threat**
    - Rationale: Generally speaking, SMS requirements require operators to ID, assess and mitigate emerging threats and hazards to their safe and secure operations.
    - Measures to include: increased monitoring; info / intel sharing with police of local jurisdiction, TC and other infrastructure operators; development of measures to ensure the rapid deployment of additional policing and security services if required; and, enhanced access control measures
    - In support, TC to enhance information sharing with CI Operators (e.g. regular intel sharing calls as done for rail blockades)
  - **Increase the Aviation Security level** (Regulatory instrument TBD):
    - Rationale: Aerodrome operators have pre-identified a menu of safeguards for different AVSEC levels which can be triggered if the AVSEC level is raised above level 1.
    - Measures to include: identification of additional safeguards, engagement with/notification to security stakeholders, implementation of safeguards.
    - In support, TC to work with operators of aerodromes to determine additional safeguards.
  - Use the AA IO/Emergency Direction to **compel aerodrome operators to increase physical security presence** or have Minister of Transport request assistance from the MPS or MND to provide support.
  - **Increase MARSEC levels to further restrict access** to the ports and marine / ferry facilities but not necessarily the approaches. In the case of a blockade, the higher MARSEC levels would offer additional protection that protesters do not enter the marine area.
- Access Restrictions:
  - **Use AA IO/Emergency Direction to limit vehicle access** to 89 Designated Airports to only those with a defined purpose for being at the airport (i.e. drop off or pick up someone) or to limit access to the Air Terminal Building to ticketed passengers and authorized personnel.

February 13, 2022

- Rationale: Large protests could become a vector to conceal or introduce prohibited items in the airport environment, vehicles could carry out acts of unlawful interference against civil aviation or impede access of first responders (e.g. fire and ambulance services)
    - Amp of \$5K for individuals or \$25K for corporations.
  - Upon, request, use of **Aeronautics Act authorities to create restricted areas** (NOTAMS) over critical infrastructure and protests (already being done)
  - **Railway Safety Act (RSA) includes prohibitions from anyone entering onto land** on which a line work is situated (trespassing – s. 26.1) and from road users blocking railway crossings (obligation to give way – s. 26.2) – can be enforced by way of prosecution or tickets under *Contraventions Act* (note: tickets can be issued by police, including railway constables).
  - RSA Ministerial Order (s. 32.01) can be used to require a railway company, road authority or municipality to stop any activity that might constitute a threat, follow procedures or take corrective measures specified in the order, where the Minister believes it to be necessary in the interest of safe railway operations
  - **Use Marine Security authorities to create restricted areas around marine** critical infrastructure (e.g. Ports, Bridges, Ferry Terminals) and to direct Vessels
    - The Minister of Transport has broad authorities to direct a vessel that may be a security threat (Refer MTSA s 16)
    - The Minister of Transport can require or authorize a port or marine facility / ferry facility operator to carry out the security measures (Refer MTSA s 7)
    - Authorities under the Marine Transportation Security Act for land-based threats are limited to ports or marine facilities / ferry terminal operators and specific to designed areas. (MTSA s 4) – so limited applicability to road approaches
    - Should a waterside blockade present a risk to navigation safety, interim order provisions (10.1 under the CSA 2001), could also be used to enforce against the blockade
- Consequences
  - **Revoke the FAST Card** for those drivers involved in illegal activities – impact on ability to carry Dangerous Goods in the U.S. and expedited entry into the U.S. – CBSA action
- Enforcement
  - TC to pursue rigorous enforcement of regulatory violations (already being done) and provide support to local law enforcement (e.g. TDG Inspectors)
  - Delegation of additional enforcement powers to Police of Local Jurisdiction



