

ORBA - MTO Highway Maintenance Committee Meeting Notes

Date: Monday, September 22nd, 2025

Time: 09:00 am - 12:30 pm

Location: In-person at MTO's Centre for Excellence in Transportation Infrastructure (95 Arrow Rd, North York, Ontario, M9M 2L4)

Attendee	Organization	Attendee	Organization
Doug Wipperman	The Miller Group	Ashley Wood	ORBA
James Stracey	Emcon Services Inc.	Jasan Ranger	MTO
Frank Rizzardo	Emcon Services Inc.	Andrew Alkins	MTO
Connor Quinless	Fowler Construction	James Hamilton	MTO
John McBride	Fowler Construction	Nedim Oren	MTO
Abdallah Tannoukhi	Webber Infrastructure	Michael Sleeth	MTO
Thelep Ampalavanar	Webber Infrastructure	Nasr Slabi	MTO
Greg Ehman	Ledcor	Valérie Labbé	MTO
Matt Granger	Ledcor	Brian Utigard	MTO
Ashley Gate	Ledcor	Neil Pawluk	MTO
Walid Abou-Hamde	ORBA		
Steven Crombie	ORBA		

Note: Strikethrough in the above table = did not attend the meeting.

1. PREVIOUS MEETING NOTES / ANNOUNCEMENTS
<p>a) MTO & ORBA: welcome message and introductions.</p> <p>b) MTO shared that HMC meeting minutes are available on MTO's Technical Consultation Portal.</p> <p>c) Review of past meeting minutes (Note: Previous meeting notes shared July 22nd via email)</p> <p>i. Electronic WOR update (MTO)</p> <ul style="list-style-type: none"> Contractors are at varying stages of understanding electronic Work Order Reports (WOR). The long-term goal is to auto-fill WORs using AVL data, allowing contractors to verify, correct, and submit to the ministry. MTO is reviewing internal processes and data flows, referencing other applications to guide development. Existing systems are believed to be sufficient to support electronic submission, but infrastructure needs to be built. Collaboration with contractors during development is essential to determine the best approach. Electronic WORs are expected to reduce errors, duplication of effort, and disputes. Digital signatures are legally acceptable and should not pose a barrier. There is stronger support now for transitioning to electronic WORs than in the past. Challenges exist in accessing contractor-shared data. MTO is committed to working with industry to move forward and address implications for existing contracts. <p>ORBA comments</p> <ul style="list-style-type: none"> Raised the question of whether this initiative is driven by modernization or by addressing existing issues.

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- MTO clarified it is both—modernization and a solution to reduce administrative burden and errors.

Industry comments

- Advocates for API access to enable seamless data transfer between contractor systems and MTO.
- Emphasized the importance of understanding pre-trip and end-trip data structures.
- Legal concerns were raised about verifying the authenticity and timing of digital signatures in litigation.
- Suggested leveraging existing data rather than introducing new data sources.
- Use of varying systems (estimated 4–5 different methods), have functional front-end processes but there are costly back-end redevelopment needs and changes to data requirements post-contract award can result in additional costs for contractors.

ii. Prompt payment update (Industry):

- Contractors are still gathering feedback, but initial observations suggest payments are being processed relatively quickly.
- The main delay is in the reconciliation process, which contractors feel lacks urgency from MTO.
- A proposed solution is to release 90% of the payment and hold back the remaining 10% until reconciliation is complete.

MTO comments:

- Encourages discussion with Heads of Maintenance (HOMs) to address reconciliation concerns.
- Reiterates the need for contractors to identify specific contracts where issues are occurring so they can be addressed directly.
- Believes reconciliation is best handled by field staff, offering mutual benefit to both parties.
- Notes that most complaints reviewed to date are related to Time & Material (T&M) work, and delays are often due to missing documentation, such as Daily Work Records (DWRs). Also refer to Open Action Items section of meeting notes; Time & Material.

2. PRESENTATIONS

- a) Environment Canada – Long Range Winter Forecast – Greg (11am – 11:45am)

3. STANDING ITEMS

- a) **MTO Applications Update / Electronic Winter Operations Record (WOR) Working Group:**

- i. Refer to Section 1, d), i.

- b) **Winter Materials Working Group**

- i. MTO: No update. Nominees from 2 contractors still outstanding. Two nominees provided during the meeting.

Note: Remaining Standing Items not discussed due to time constraints.

4. NEW BUSINESS

- a) **Partnering (MTO):**

- i. With partnering and collaboration in mind, MTO is transitioning from fully virtual bidders' meetings and HMC meetings to a hybrid format, offering in-person sessions with a virtual option to maintain accessibility.
- ii. MTO is also working on a process to onboard a vendor that the ministry can leverage to facilitate ongoing partnering sessions. We'll continue to keep industry informed as more details emerge.
- Partnering sessions may be structured for varying levels of attendees. For example:

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- Contract area level: involving Maintenance Contract Supervisors (MSC), Heads of Maintenance, and Contractor field staff.
- Senior management level: involving Ministry Maintenance Office (MMO) staff and contractor executives.

b) ORBA update:

- i. There is strong interest in continuing in-person collaboration sessions, with hybrid options being considered. While nothing is finalized, discussions are ongoing with regards to ORBA members from outside the maintenance sector have expressed interest in participating, offering diverse perspectives and fresh insights and to maintain productive discussions, participant numbers may be capped.
 - There is interest in expanding participation to include a broader range of voices, even from those not directly involved in maintenance contracts.
 - While broader input is seen as valuable, there are concerns about maintaining efficiency and clarity in discussions.
 - Guidelines for participation may be needed to ensure the group remains focused and productive.
 - Decision-making is typically based on consensus, and different roles (e.g., observers vs. contributors) may be considered depending on the structure.
 - Before expanding the group, it's important to ensure the committee's framework and terms are well-defined and functional.
 - Differences in experience across sectors may affect how participants engage with long-term contract discussions.
 - A tiered approach is suggested, where detailed work is handled by smaller groups, while broader discussions remain at the main table.
 - Various models for inclusive participation are being explored, including feedback mechanisms and limited subgroup involvement.
 - Certain qualifications or ratings may help determine who is best positioned to contribute meaningfully.
 - Formal interest in joining the committee has been expressed by external parties.

c) Patroller Training (MTO update):

- i. Training dates have been set and communicated to both contractors and MTO supervisors.
 - A hybrid training model is being piloted this year, with the goal of transitioning to more in-person training over time.
 - The initial rollout is in East Region and includes virtual sessions supported by MTO field representatives in each contract area. MTO plans to expand hybrid training offerings in future years.
 - We are exploring alternative options (e.g., online modules) for those unable to attend due to shift work.

Industry Comments

- Asked whether the training could be used as a "train-the-trainer" model to support internal delivery.
 - MTO: While attendance is required under the contract, exceptions are made for night shift staff, and materials can be shared for internal use, and recording virtual sessions is not possible due to the need for individual attestations, which is difficult when multiple people attend from a shared location.
- Questioned why contractors couldn't deliver their own training and suggested removing language requiring MTO to provide it.
 - MTO: industry previously requested MTO continue delivering this training, but we are open to changing this requirement.

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ACTION ITEM: ORBA/industry members to have internal discussion on whether MTO needs to continue to provide the patroller training.

d) Sub-working group Process:

- i. MTO asked for ORBA's perspective on how to move forward after a sub-working group completes a document.
 - Expressed concern that a formal endorsement process may not align with the pace and volume of ongoing work.
 - Emphasized the importance of open dialogue and feedback over formal consensus.
 - Noted that not all recommendations have been elevated to executive levels.
 - Suggested that sub-working groups focus on detailed work, while broader discussions remain at the executive level.

Industry Comments

- Proposed that sub-working groups complete detailed work, with documents presented to HMC for endorsement.
- Suggested that ad-hoc meetings could be used for timely approvals.
- Raised the question of whether the goal is consensus or feedback, noting that full agreement may not always be achievable.
- Asked for clarification on the authority of sub-working groups.
- Recommended providing more detailed updates at quarterly meetings to support quicker decision-making.
- Emphasized the need for a clear process, including HMC's Terms of Reference, to guide how decisions are made.

Agreed Path Forward

- Sub-working groups will continue to develop detailed content.
- Completed documents will be presented to the executive committee for review.
- If further discussion is needed, ad-hoc meetings will be scheduled to support timely decision-making.

e) CDMC Major Workshop (MTO):

- i. MTO expressed interest in forming a working group with industry to support partnering sessions and gather input on contract submission requirements (e.g., equipment lists).
 - Highlighted efforts to modernize the contract model by leveraging industry expertise.

Industry Comments

- Asked who is responsible for developing equipment footprints and route designs.
 - MTO explained that equipment footprint and route design are guided by a policy-based framework, with regional analysis and mapping support from internal teams and noted that regional preferences for equipment types can be anecdotal, and efforts are underway to standardize decision-making using documented criteria.
- Raised concerns about potential evaluator bias and supported the move toward standardized approaches.
 - MTO agreed that standardized processes help reduce bias and improve consistency.
- Inquired about the timeline for implementing these changes.
 - MTO confirmed that no formal timeline has been set yet; the current focus is on gathering nominees for participation.

ACTION ITEM: Industry to provide a list of participants, and compile areas of improvement for MTO's consideration in advance of workshop.

f) Winter preparedness (MTO):

- i. MTO highlighted that Contractors are expected to participate in pre-season outreach sessions; if these aren't happening, they should connect with HOM's.

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- Emphasized the importance of early coordination between contractors, OPP, and other stakeholders to avoid miscommunication during severe winter events.
- Some Regions are planning one meeting per contract area, involving all relevant parties to clarify roles and expectations.
- Internal processes are being strengthened to improve coordination and accountability.

Industry Comments

- Requested clarity on expectations and suggested that the outreach also include an education element for all those involved (contractors, MTO field staff, OPP, and traffic operations centre).
- Proposed a pre-meeting between contractors and MTO (excluding emergency services) to align before broader stakeholder discussions.
- Highlighted differences in authority structures across jurisdictions, noting that understanding who makes closure decisions is critical.
- Emphasized that contractors are subject matter experts and should be involved in decisions about highway closures.
 - MTO acknowledged operational challenges when advice from contractor's field experts isn't followed and stressed the need to advocate for contractor expertise in decision-making.
- Shared international practices, such as directing traffic to shoulders during closures to allow emergency and snow-clearing vehicles to pass.

g) Fair Wage (MTO):

- i. MTO reviewed the current Fair Wage provisions and outlined potential changes.
 - Clarified that Fair Wage requirements apply to operators employed by both contractors and subcontractors, with some exceptions.
 - Contractors are responsible for maintaining documentation for ministry audits, limited to wage-related information (excluding personal details).

Industry Comments

- Asked whether Fair Wage provisions include or exclude additional employee benefits beyond base wages.
 - MTO confirmed that Fair Wage applies to base wages only, excluding additional benefits and committed to reviewing the contract language to determine if further clarification is needed.

ACTION ITEM: MTO to review Fair Wage language for clarity of inclusions and exclusions.

h) Contractor Workload (MTO):

- i. MTO provided background on the current Max Workload policy and its implementation history.
 - Announced a plan to gradually reduce the maximum workload cap, moving from 40% to 35%, and eventually to 30%.
 - Emphasized that the change will be implemented through contract amendments, with further discussions to determine timing and minimize impacts.
 - Recognized that the change may affect contractors differently and offered to hold individual discussions to address concerns and support transition planning.

Industry Comments

- Some members expressed opposition to the reduction, noting that workload ratings do not change the need for collective problem-solving if issues arise and raised concerns about the practical impact of the change and questioned its effectiveness.

ACTION ITEM: MTO to meet with individual Contractors to further discuss reduction of Contractor Workload.

i) MIS submissions (MTO):

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- i. MTO emphasized the importance of timely submission of Bare Pavement entries by field staff.
 - Contractors should be aware of the specific submission timelines outlined in their contracts, which may vary (e.g., some require submission within 48 hours, others within two weeks).
 - Ensuring entries are submitted within the required timeframe is critical for compliance and operational efficiency.
- j) Benchmark Hours:**
 - i. MTO acknowledged receipt of a position paper and expressed openness to collaborating on necessary changes.
 - Proposed starting with a review of the rate formula as an initial step in the process.
 - Explained that fleet age adds complexity to rate calculations.

Industry Comments

 - Requested a timeline for moving forward.
 - MTO confirmed that there is no set timeline yet but intends to begin discussions soon and will engage in individual conversations with contractors to support implementation planning.
 - Asked for clarity on how existing 127 rate structures are developed and whether the same logic could be applied more broadly.
 - Raised concerns about the accuracy of benchmark hour estimates, suggesting they may not reflect actual operational realities.

ACTION ITEM: Industry to provide document with suggested improvements for MTO's consideration.

5. ROUNDTABLE

- a) Fleet Age & Equipment
 - i. Industry expressed interest in further discussing fleet age and innovations in equipment.
 - MTO encouraged industry to share information about new technologies (e.g., hybrid electric trucks) with consultants and sub-working groups.
- b) Counter-Tariffs
 - i. Industry raised concerns about federal counter-tariffs affecting equipment purchases, including unexpected costs on existing inventory.
 - MTO suggested verifying how tariffs were applied and recommended filing a claim with Consumer Protection Ontario for resolution.
- c) Salt Reconciliation
 - i. MTO highlighted ongoing issues with salt data reconciliation and emphasized the need for more frequent and accurate data reporting.
 - Stressed that all parties have a role in ensuring proper data capture and that internal monitoring will be increased.
- d) Next Meeting
 - i. MTO proposed rescheduling next meeting closer to December and return to an in-person format.
 - Industry acknowledged and agreed.

DATE	OPEN ACTION ITEMS	ACTION BY
Jan-2024-01	TIME & MATERIAL (ORBA) <i>Description:</i>	ORBA

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	<p>Time & Material vs Lump Sum for Change Orders.</p> <p><i>Discussion:</i></p> <p>ORBA requesting a workshop with MTO to review the use of T&M which has become more commonly used for change order work. Methods used are not consistent across the province and industry would like a more standardized approach.</p> <p>Industry to provide examples to MTO for improper use of Risk Mitigation as well as frequent use of T&M.</p> <p>Action: Keep item open.</p>	
<p>Apr-2025-01</p>	<p>REGULATIONS AMENDING THE PASSENGER AUTOMOBILE AND LIGHT TRUCK GREENHOUSE GAS EMISSION REGULATIONS OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT (ORBA)</p> <p><i>Description:</i></p> <p>Upcoming changes to legislation could affect equipment costs and contract mobilizations.</p> <p><i>Discussion:</i></p> <p>Industry requests that maintenance equipment, specifically Winter maintenance equipment, is exempt from this legislation.</p> <p>Note: The proposed changes may or may not be implemented due to the economic unrest related to tariffs being imposed by the US.</p> <p>Industry to collect & provide statistics/risks on how the regulation is affecting industry.</p> <p>MTO to continually monitor this issue.</p> <p>Action: Keep item open.</p>	<p>ORBA & MTO</p>

Next Meeting: TBD

Adjournment: Meeting was adjourned at 2:30 PM.

Meeting Notes Prepared by: Valérie Labbé