

**Ministry of  
Transportation**

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**Ministère des  
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**MEMORANDUM TO:** Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division and Public Safety Training Division  
Ministry of the Solicitor General

**FROM:** Nosa Ero-Brown  
Assistant Deputy Minister (A)  
Road User Safety Division  
Ministry of Transportation

**RE: COVID-19 – EXPANSION OF MTO ENFORCEMENT  
OFFICER AND MAINTENANCE STAFF POWERS TO  
ASSIST IN DIRECTION TRAFFIC IN AN EMERGENCY &  
CHANGES TO TRUCK PARKING RULES**

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This memorandum is to advise you of the emergency measures that the Ministry of Transportation (MTO) has taken due to the ongoing situation with the COVID-19 virus.

Given the evolving nature of the COVID-19 pandemic and the measures that the various levels of government are undertaking to respond to this public health crisis, MTO enforcement officers and maintenance staff have been temporarily granted broadened authorities to provide the necessary services and levels of support to police agencies across the province, under the Ontario Regulation 89/20, made under the *Emergency Management and Civil Protection Act*, Order under Subsection 7.0.2 (4) of the Act - Traffic Management (see Appendix A).

The purpose of this order is to help ensure that adequate resources are available to ensure the safety of the travelling public, including commercial vehicles who are critical to the supply chain.

Under these expanded powers:

- MTO enforcement officers will be able to direct traffic. In addition, MTO officers or maintenance staff may direct a highway closing. Currently, these authorities are reserved to police officers. Extending these authorities will increase the number of persons able to provide traffic directions or direct closings and will provide relief to police involved in other duties.

- Allow the police, ministry officers, maintenance staff, and contractors that assist them to use alternative methods of closing highways, other than those currently prescribed in regulation, to avoid a situation in which highways cannot be closed because of a lack of the types of devices stipulated in regulation. Instead, those parties will be able to close a highway using any reasonable means that would make it obvious to the travelling public that the highway is closed.
- Institute an emergency parking scheme to protect against commercial vehicles being stranded on the roadway in case of border or road closures.
  - The emergency parking measures will ensure that the highways are clear and that there are places to park such vehicles.
  - For example, emergency parking locations may include a location on a highway, or a property owned by the Province, a municipality, an institution or a business.

When designating an emergency parking location, officers should make best efforts to prioritize properties owned by the province or areas of the highway right-of-way where it is safe or operationally feasible.

Designation of private properties as emergency parking locations should be done when no safe or reasonable alternative is available. A dwelling location that is not a business will not be designated as an emergency parking location (e.g. personal residence, apartment building parking lot, etc.).

Best efforts should also be made to contact private property owners to communicate the need for the emergency parking and secure their consent in advance of designating the emergency parking location. However, in the event that it is critical to remove vehicles from the highway and consent cannot be secured in advance from the owner the order provides the authority to designate an emergency parking location so that vehicles can be moved off of the highway.

This order applies to the province as a whole and it came into effect immediately upon signing. It will remain in effect for at least 14 days, plus any further periods as may be granted by extension. The intent is for these powers to be used only in extraordinary circumstances and they will not be continued after the state of emergency has ended.

I would ask that you please bring this memorandum to the attention of the policing community. If policing services would like to discuss these amended programs, they may contact Chris Davies, Manager Carrier Enforcement Program, at (289) 407-1155.

Thank you for your assistance in communicating these changes.



Nosa Ero-Brown  
Assistant Deputy Minister (A)  
Road User Safety Division

**APPENDIX A:**  
**ONTARIO REGULATION 89/20**  
made under the  
**EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT**  
**ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - TRAFFIC**  
**MANAGEMENT**

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”);

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to paragraphs 2, 3, 11, 12 and 14 of subsection 7.0.2 (4) of the Act, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

**SCHEDULE 1**

**Directing traffic**

**1.** Ministry of Transportation officers appointed under section 223 of the *Highway Traffic Act* may exercise all the authorities to direct traffic that are granted to police officers under section 134 of the *Highway Traffic Act*. Persons who receive a traffic direction from a Ministry officer are obliged to obey as if the direction came from a police officer.

**Closing highways**

**2.** Despite not being police officers, Ministry of Transportation officers and individuals employed by the Ministry of Transportation to maintain highways may close a highway, or part thereof, to vehicles pursuant to subsection 134 (2) of the *Highway Traffic Act*. The officers and employees are permitted to drive their vehicles on a closed highway.

**Closing highways, other means**

**3.** Where it is not feasible to close a highway by following the procedures set out in Regulation 599 of the Revised Regulations of Ontario, 1990 (Highway Closings) made under the *Highway Traffic Act*, a police officer or person authorized by section 2 of this Schedule may close a highway using any reasonable means that is likely to make it obvious to the travelling public that the highway is closed.

## **Clearing highways of vehicles**

**4.** In order to ensure that vehicles do not remain on a highway when the highway is closed or when, for other emergency-related reasons, the highway is required to be clear of vehicles, the following emergency parking measures will apply:

1. The Ministry of Transportation, a municipality, a police officer or a Ministry of Transportation officer may designate an emergency parking location.
2. Emergency parking locations may include any location on a highway or on a property owned by the Province, a municipality, an institution or a business.
3. A dwelling place that is not a business location shall not be designated as an emergency parking location.
4. A police officer or a Ministry of Transportation officer may require the driver, owner, operator or person having charge or control of any vehicle that is parked or stopped, or that is likely to become parked or stopped, on a highway to drive or transport the vehicle to an emergency parking location for the purpose of keeping the highway clear. Every person shall obey the requirement of an officer.
5. The owner, lessee or occupier of an emergency parking location shall permit the parking of any vehicle directed to the location by a police officer or Ministry of Transportation officer. Reasonable access to the vehicle shall also be permitted to retrieve personal property, to maintain the condition of the vehicle and any load, to remove the vehicle, or to access the vehicle as directed by a police officer or Ministry officer.
6. An emergency parking designation under this Order and a direction to drive or transport a vehicle to an emergency parking location may be given verbally, electronically or in writing.
7. Provincial parking and stopping regulations and municipal by-laws do not apply to the designation of an emergency parking location or to the direction of a vehicle to such a location.
8. If a vehicle is not driven or transported to an emergency parking location in compliance with a direction of a police officer or Ministry of Transportation officer, the officer may make arrangements for the vehicle to be moved to that location at the cost and risk of the owner, operator and driver.
9. There shall be no cost or charges to the vehicle owner, driver, the Province or any municipality for the storage of a vehicle at an emergency parking location, unless the Province subsequently approves a measure to allow fees to be charged or to provide for compensation.

10. The *Repair and Storage Liens Act* does not apply to the storage of a vehicle under this Order.
11. Parking of a vehicle or accessing a vehicle in accordance with this Order at an emergency parking location does not constitute a trespass to property.

**Assigning duties to officers**

5. The Ministry of Transportation will be authorized, despite any policy, contract, agreement, including but not limited to collective agreement, to assign duties related to any section of this Schedule to Ministry of Transportation officers.