

April 19, 2010

The Honourable Luke Ouellette
Minister of Transportation
#320 Legislature Building
10800 - 97 Avenue
Edmonton AB T5K 2B6

RE: Bill 16 - Traffic Safety (Distracted Driving) Amendment Act, 2010

Dear Minister:

I am an Amateur Radio Operator certified further to the federal Radiocommunication Act. One of about 5,900 Amateur Radio Operators registered in the Province of Alberta, and one of the over 67,000 operators holding a "Certificate of Proficiency in Amateur Radio" issued by the Federal Government.

I am concerned that "Bill 16 - Traffic Safety (Distracted Driving) Amendment Act 2010" differentiates between the use of 2 way radios on the basis of whether the radio is used for commercial or private purposes.

Bill 16 clearly exempts from the Act the use of 2 way radios for use by individuals who are required by their employer to remain in 2 way radio communication s.115.1(1)(b). This implies that while engaged in a 2 way radio communication, the commercial operation of a motor vehicle is inherently safer than the private operation of a motor vehicle. I am sure you would agree that this position has no reasonable foundation.

In addition, this arbitrary restriction of radio communication is detrimental to the exercise of privileges granted to those licensed and/or certified further to the federal Radiocommunication Act.

Background on Amateur Radio

To quote from the Industry Canada web site:

"The **amateur radio service** is a radiocommunication service in which radio apparatus

are used for the purpose of self-training, intercommunication or technical investigation by individuals who are interested in radio technique solely with a personal aim and without pecuniary interest. “

Industry Canada maintains a process of testing the proficiency of individuals who wish to engage in Amateur Radio through a set of rigorous examinations which evaluate a candidates understanding of a body of knowledge including the applicable legislation and regulations, electronic theory, operating procedures, station assembly, antenna systems, radio wave propagation, and avoidance of interference. Many individuals will take a 12 week course consisting of classroom training and considerable private study to enable them to pass these examinations.

Once qualified an Amateur Radio Operator may engage in communication using a hand held (HT) radio for short range communication, a mobile radio permanently installed in an automobile, or assemble a base station consisting of a collection of electronic components and antenna systems. The Amateur Radio Service has frequently been at the forefront of technology advancement including the development of GPS location systems, which we call Automatic Packet Reporting System (APRS), and most recently with pure digital radio communication integrated with the Internet for global communication which we refer to as D-Star.

Today an Amateur Radio Operator can, from a portable HT radio, or with his/her mobile radio in a vehicle, broadcast to a network of “repeaters” which in turn rebroadcast the signal over a broad region. As a community many Amateur Radio Operators monitor these frequencies and are in a position to communicate with the first operator, to relay messages, or to lend assistance as may be required. We have the ability to do this “party line – in the clear” communication across the province, across the country, and for that matter around the world.

Requested Resolution

It is noted that the “Distracted Driving and Cell Phone Use While Driving” report of September 2007 prepared by Alberta Infrastructure and Transportation, did not identify radio communication or the use of a hand held microphone as a material risk factor. This is proven out by the historically low risk presented by Amateur Radio Operators who have over the years engaged in safe driving practices while operating their radio equipment. After decades of mobile 2 way radio operations, there has been no concern voiced by this province or any other province in Canada. The provinces of Quebec, Nova Scotia, Newfoundland and Labrador, Ontario, Manitoba, Saskatchewan, and British Columbia have recognized this safety record and accordingly chosen to exempt Amateur Radio from the provisions of their equivalent distracted driving legislation.

The proposed Bill-16 presently exempts several classes of use from inclusion in the Act. While the Province may add an additional exemption for Amateur Radio Operators it may be administratively more efficient to exempt 2 way radio communication on the basis of how the device is installed in the vehicle and how the device is used. This would avoid the need to envision all current and future applications for 2 way radio communication. In addition, it would apply to all Albertans equally in both their professional and private lives.

An example of suggested wording is taken from the Government of British Columbia's Regulation 308/2009 "Use of Electronic Devices While Driving Regulation":

"Hand microphone

9 A person may use a hand microphone while driving or operating a motor vehicle on a highway if

- (a) the device is within easy reach of the driver's seat, and
- (b) is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle. "

A properly phrased paragraph such as this would negate the need to make separate accommodation for military, police, fire, ambulance, public service, land mobile users, amateur radio operators, and other legitimate uses of the radio spectrum. It also avoids interference with federal jurisdiction and international agreements made between the Government of Canada and other nations regarding reciprocal recognition of radio utilization privileges.

Respectfully yours

David C. Mackie
BSc, BCom, ISP, ITCP

copy:

Mr. Ed Stelmach, Premier, Fort Saskatchewan - Vegreville

Mr. Art Johnston, Calgary - Hays

Mr. David Xiao, Edmonton - McClung