

Ontario's newly proposed pilot program for automated commercial vehicle testing

November 12, 2024

Ontario has a new proposed pilot program for testing automated vehicles on Ontario's public roads. While the initial program commenced in 2016 was restricted to non-commercial automated vehicles (such as passenger vehicles, light-duty delivery trucks/vans, and small shuttles), the Ministry of Transportation of Ontario (MTO) announced on Oct. 16, 2024 a 10-year pilot project called Framework for an Automated Commercial Motor Vehicles (ACMV). The new ACMV project is designed for commercial vehicles weighing 4,500 Kg or more to be tested on Ontario's public roads. The MTO has published the details of the new framework in a draft document and has invited all stakeholders and interested parties to submit comments by Nov. 14, 2024.

Here is [link to the draft](#) and here is a [link to more information](#) on the program.

Policy objectives include supporting the safe adoption of automated vehicles to improve road safety and enhance the transportation system (trucking in particular). This will be achieved through safely testing ACMV technologies so that the MTO can monitor industry and technology developments and evaluate ACMVs within the larger road user ecosystem in order to consider broader deployment.

Two streams of testing are contemplated. Stream #1 applies (but is not restricted) to SAE Level 3 autonomy vehicles in which case a driver must be present in the driver's seat and prepared to engage the vehicle as necessary. Stream #2 applies to driverless testing of vehicles under SAE Level 4 or 5 autonomy in which case an assistant, located either within the vehicle or at a different location in Ontario, must be ready to provide oversight of the ACMV.

The draft framework includes a host of conditions and limitations, including:

- Unless otherwise authorized by MTO, a driver must remain in the driver's seat of the ACMV to oversee the automated driving systems and intervene as required, including taking full manual control of the vehicle. If a driver is present, they are responsible for the care and control of the vehicle at all times.
- If approved for driverless testing, the carrier is responsible for ensuring an assistant provides oversight of the vehicle. The assistant's oversight must not include remote control of the vehicle for regular driving tasks.

- ACMVs may engage in commercial activities during testing.
- The ACMV must operate exclusively on MTO-approved routes.
- To test an ACMV that does not meet all requirements of the federal MVSA, carriers must obtain an exemption from Transport Canada, the federal authority responsible for vehicle safety standards.
- **The pilot participant must maintain a minimum of \$10 million in public liability insurance coverage.**
- Specified data must be recorded and retained for two years and made accessible to the MTO upon request.
- Collisions must be reported with 24 hours and other obligations arise particularly if the vehicle was in automated mode at the time of the collision.

You will know when you see an ACMV since the framework requires that a yellow-orange sign with black lettering stating “TEST VEHICLE. STAY BACK.” must be displayed on the front and rear of all ACMVs.

If you have any questions about the new ACMV project or questions related to connected and automated vehicles, please contact one of the lawyers in our [Autonomous Vehicle Group](#) at BLG.

By

[Robert L. Love](#)

Expertise

[Products Law](#), [Autonomous Vehicles](#), [Automotive](#), [Transportation](#)

BLG | Canada’s Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](#)

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.