



MINUTES

TORONTO TRANSIT COMMISSION

Meeting No. 1901

Thursday, September 18, 2008

A meeting of the Toronto Transit Commission was held in Committee Room 2, Toronto City Hall, 100 Queen Street West, Toronto, Ontario on Thursday, September 18, 2008 commencing at 1:10 p.m.

A. Giambrone (Chair), J. Mihevc (Vice-Chair), M. Thompson, B. Saundercook, P. Milczyn, S. Bussin, G. De Baeremaeker and A. Perruzza (Commissioners), G. Webster (Chief General Manager), V. Rodo (General Manager – Executive & General Secretary), R. Cornacchia (General Manager – Operations), J. Sepulis (General Manager – Engineering & Construction), B. Leck (General Counsel), S. MacDonald (Manager - Materials & Procurement), M. Roche (Chief Financial Officer), A. Smith (Chief Marketing Officer), T. Andrews (Chief Special Constable), S. Blakey (Executive Director – Human Resources), W. Buffett (Assistant General Secretary) and F. Stanois (Coordinator – Secretariat Services) were present.

A. Giambrone was in the Chair.

J. Gauthier, President and CEO, M. Veilleux, Director of Planning and Development and Daniel Bergeron, Director of Modernization and Mobility Data, Agence Metropolitaine de Transport – Montreal (AMT) were present for Item No. 2a).



DECLARATION OF INTEREST – MUNICIPAL CONFLICT OF INTEREST ACT

NIL

MINUTES OF PREVIOUS MEETINGS

COMMISSIONER SAUNDERCOOK MOVED THAT THE COMMISSION APPROVE THE MINUTES FROM MEETING NO. 1900 AND THAT THE CHAIR AND GENERAL SECRETARY BE AUTHORIZED TO SIGN THE SAME.

THE MOTION BY COMMISSIONER SAUNDERCOOK CARRIED.

BUSINESS ARISING OUT OF THE MINUTES

NIL

COMMITTEE OF THE WHOLE RESOLUTION

- a) Committee of the Whole – Thursday, October 23, 2008

COMMISSIONER SAUNDERCOOK MOVED THAT THE COMMISSION APPROVE A RESOLUTION TO MEET AS THE COMMITTEE OF THE WHOLE AT 9:00 A.M. OR LATER ON THURSDAY, OCTOBER 23, 2008 TO DEAL WITH LITIGATION OR POTENTIAL LITIGATION MATTERS, LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS AND TO RECEIVE ADVICE WHICH IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE.

THE MOTION BY COMMISSIONER SAUNDERCOOK CARRIED.

PUBLIC PRESENTATIONS

- a) Report No. 1b) - Fitness for Duty Policy

Bob Kinnear
President
Amalgamated Transit Union, Local 113

Scott Johnson
Chairperson
International Association of Machinists and Aerospace Workers, Local 235

Noa Mendelsohn Aviv
The Canadian Civil Liberties Association

John Cartwright
President
Toronto York Region Labour Council



THE COMMISSION RECEIVED THE DEPUTATIONS.

(SEE ITEM NO. 1B) FOR MINUTE)

NOTICE OF MOTIONS

NIL

MOTIONS WITHOUT NOTICE

NIL

ITEMS OF WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

NIL

ITEMS DEFERRED FROM LAST MEETING TO PERMIT DEBATE/PUBLIC PRESENTATIONS

A) Charter Rates – Financial Information

VICE-CHAIR MIHEVC MOVED THAT THE MATTER OF CHARTERS BE REFERRED TO A SPECIAL COMMITTEE COMPRISED OF VICE-CHAIR MIHEVC, COMMISSIONER THOMPSON AND COMMISSIONER SAUNDERCOOK, AND THAT STAFF BE REQUESTED TO SUPPORT THE COMMITTEE IN BRINGING BACK RECOMMENDATIONS TO THE COMMISSION.

THE MOTION BY VICE-CHAIR MIHEVC CARRIED.

1. **REPORTS WITH CONFIDENTIAL ATTACHMENTS (COMMITTEE OF THE WHOLE)**

a) Birchmount Bus Garage New Office and Storage Area Contract E3-25

THE COMMISSION:

1. RECEIVED THE CONFIDENTIAL INFORMATION IN THE CONFIDENTIAL ATTACHMENT;
2. NOTED THAT THE CONFIDENTIAL INFORMATION IN THE CONFIDENTIAL ATTACHMENT REMAINS CONFIDENTIAL UNTIL RESOLUTION OF THE LIGATION MATTER.
3. RECEIVED THIS REPORT FOR INFORMATION PURPOSES.

b) Fitness for Duty Policy

COMMISSIONER PERRUZZA MOVED THAT THE REPORT BE RECEIVED.

THE MOTION BY COMMISSIONER PERRUZZA LOST.



CHAIR GIAMBRONE MOVED ADOPTION OF RECOMMENDATION NO. 1 CONTAINED IN THE REPORT.

THE MOTION BY CHAIR GIAMBRONE CARRIED.

CHAIR GIAMBRONE MOVED ADOPTION OF RECOMMENDATION NO. 2 CONTAINED IN THE REPORT.

THE MOTION BY CHAIR GIAMBRONE CARRIED.

COMMISSIONER BUSSIN MOVED THAT THE TESTING ELEMENTS CONTAINED IN THE FIRST BULLET OF RECOMMENDATION NO. 3 BE VOTED ON SEPARATELY.

THE MOTION BY COMMISSIONER BUSSIN CARRIED.

CHAIR GIAMBRONE CALLED FOR A VOTE ON THE FOLLOWING TESTING ELEMENTS:

- | | | | |
|----|------------------|---|---------|
| 1. | REASONABLE CAUSE | - | CARRIED |
| 2. | POST INCIDENT | - | CARRIED |
| 3. | POST VIOLATION | - | CARRIED |
| 4. | POST TREATMENT | - | CARRIED |
| 5. | APPLICANT | - | CARRIED |
| 6. | RANDOM | - | LOST |

CHAIR GIAMBRONE MOVED ADOPTION OF RECOMMENDATION NO. 3, AS AMENDED.

THE MOTION BY CHAIR GIAMBRONE CARRIED.

VICE-CHAIR MIHEVC MOVED THAT RECOMMENDATION NO. 4 BE STRUCK OUT AND REPLACED WITH THE FOLLOWING:

"4. DIRECT STAFF TO PROCEED WITH THE IMPLEMENTATION OF THE PROPOSED POLICY."

THE MOTION BY VICE-CHAIR MIHEVC CARRIED.

VICE-CHAIR MIHEVC MOVED THAT MANAGEMENT BE DIRECTED TO WORK WITH AND CONSULT WITH THE UNIONS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THIS REPORT.

THE MOTION BY VICE-CHAIR MIHEVC CARRIED.



- c) Danforth Garage Property

THE COMMISSION:

1. RECEIVED THE CONFIDENTIAL INFORMATION AS SET OUT IN CONFIDENTIAL ATTACHMENT 1;
2. NOTED THAT THE CONFIDENTIAL INFORMATION AS SET OUT IN CONFIDENTIAL ATTACHMENT 1 REMAIN CONFIDENTIAL IN ITS ENTIRETY AS IT CONTAINS ADVICE WHICH IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE; AND
3. RECEIVED THIS REPORT FOR INFORMATION PURPOSES.

- d) Entrance Connection Agreement – 661 University Avenue (MaRS)

THE COMMISSION:

1. RECEIVED THE INFORMATION SET OUT IN CONFIDENTIAL ATTACHMENT 1;
2. APPROVED NOT AUTHORIZING THE PUBLIC RELEASE OF THE INFORMATION CONTAINED IN CONFIDENTIAL ATTACHMENT 1 UNTIL ALL AGREEMENTS HAVE BEEN FULLY EXECUTED BY ALL PARTIES;
3. APPROVED THE PRINCIPLES OF THE BUSINESS TRANSACTION, AS OUTLINED IN CONFIDENTIAL ATTACHMENT 1, WHICH WILL GOVERN THE AGREEMENTS TO BE ENTERED INTO BETWEEN THE TORONTO TRANSIT COMMISSION AND ARE-BJ HOLDINGS NO. 1 INC. (“ALEXANDRIA”) FOR THE CONSTRUCTION OF AN ENTRANCE CONNECTION BETWEEN 661 UNIVERSITY AVENUE AND QUEEN’S PARK STATION; AND
4. AUTHORIZED STAFF TO NEGOTIATE AND ENTER INTO THE VARIOUS UNDERTAKINGS AND AGREEMENTS REQUIRED TO BRING INTO EFFECT AN ENTRANCE CONNECTION BETWEEN 661 UNIVERSITY AVENUE AND QUEEN’S PARK STATION BASED ON THE APPROVED PRINCIPLES, TO THE SATISFACTION OF THE TTC’S GENERAL COUNSEL AND IN ACCORDANCE WITH THE TTC’S BY-LAWS.

2. **PRESENTATIONS**

- a) AMT – Montreal Opus Smartcard System Presentation

Joel Gauthier, President and CEO of Agence Metropolitaine de Transport – Montreal (AMT) gave a PowerPoint presentation with respect to this matter.

THE COMMISSION RECEIVED THE PRESENTATION FOR INFORMATION.



3. **BUDGET MATTERS**

a) 2009 Wheel-Trans Operating Budget

It is recommended that the Commission approve:

1. The 2009 Wheel-Trans Operating Budget (summarized in Appendix A) as described in this report and as set out in the 2009 Wheel-Trans Operating Budget Overview document.
2. Note that based on current City of Toronto operating subsidy levels and the current fare structure, the 2009 Wheel-Trans Operating Budget includes an increased subsidy requirement of \$4,918.3K as summarized below:

Expenditures	\$78,865.7
Revenues	<u>3,827.7</u>
Subsidy Needed	\$75,038.0
City Operating Subsidy Available	<u>70,119.7</u>
Additional Subsidy Required	<u>\$ 4,918.3</u>

3. Approve the contribution of any 2008 net operating surplus to the TTC Stabilization Reserve Fund for utilization against the 2009 Operating Budget subsidy required.
4. The Wheel-Trans Service Plan which encompasses the following key factors:
 - Eligibility Criteria and Application Process remain unchanged;
 - Registrant base increasing by 12% to 60,600
 - Trip demand increasing by 3.9% to 2,324,500
 - Accommodating 98% of trips
 - Trips provided by accessible vehicles at 83%
 - Further integration with the conventional transit system
 - Community Bus routes remain at five (5) routes
 - Implementation of new accessible and sedan taxi contracts
 - Operating Budget Workforce decreasing by 29 to a year-end complement of 462



➤ No impact from AODA legislation

5. Forward this report to the City of Toronto requesting approval of:
 - (a) the City's required 2009 Operating subsidy for the Wheel-Trans Operation;
 - (b) confirmation of the establishment of an additional receivable in the amount of \$830,000 to cover post-retirement benefit non-cash expenses for 2009 consistent with previous accounting treatment approved by Council; and
 - (c) the contribution of any 2008 net operating surplus to the TTC Stabilization Reserve Fund for utilization against the 2009 Operating Budget shortfall.
6. Forward this report to the TTC's Advisory Committee on Accessible Transportation (ACAT) for information;
7. Forward this report to the Ontario Minister of Transportation, the Ontario Minister of Energy and Infrastructure, and the Ontario Minister of Finance, for information.
8. Forward this report to the Federal Minister of Transport, Infrastructure, and Communities, for information; and
9. Forward this report to Metrolinx for information.

APPROVED

b) 2009 TTC Operating Budget

M. Stambler, Manager, Service Planning gave a PowerPoint presentation entitled, "2008-2009 Service Improvements."

THE COMMISSION RECEIVED THE PRESENTATION FOR INFORMATION.

M. Roche, Chief Financial Officer gave a PowerPoint presentation entitled, "2009 Operating Budget."

THE COMMISSION RECEIVED THE PRESENTATION FOR INFORMATION.

VICE-CHAIR MIHEVC MOVED ADOPTION OF THE RECOMMENDATION CONTAINED IN THE REPORT, AS LISTED BELOW:

"IT IS RECOMMENDED THAT THE COMMISSION:

1. **APPROVE THE 2009 TTC OPERATING BUDGET (SUMMARIZED IN EXHIBIT 1) AS DESCRIBED IN THIS REPORT AND AS SET OUT IN THE 2009 TTC OPERATING BUDGET OVERVIEW DOCUMENT, AND**



2. NOTE THAT BASED ON CURRENT CITY OF TORONTO OPERATING SUBSIDY LEVELS AND THE CURRENT FARE STRUCTURE, THE TTC 2009 OPERATING BUDGET INCLUDES A REQUIREMENT FOR ADDITIONAL SUBSIDY OF ABOUT \$87 MILLION AS SUMMARIZED BELOW:

EXPENDITURES	\$1,287 MILLION
REVENUES	<u>918 MILLION</u>
SUBSIDY NEEDED	369 MILLION
2008 CITY OPERATING SUBSIDY	<u>282 MILLION</u>
ADDITIONAL SUBSIDY REQUIRED	<u>\$ 87 MILLION</u>

3. APPROVE THE CONTRIBUTION OF ANY 2008 NET OPERATING SURPLUS TO THE TTC STABILIZATION RESERVE FUND FOR UTILIZATION AGAINST THE 2009 TTC OPERATING BUDGET, AND
4. DIRECT STAFF TO DEVELOP A MULTI-YEAR PLAN THAT SETS TARGETS/GOALS FOR RIDERSHIP LEVELS, SERVICE INITIATIVES, FARES, REVENUE/COST RATIOS AND, AN OVERALL STRATEGY AND FINANCIAL MODEL TO ADDRESS THE FISCAL CHALLENGES FACING THE TTC.
5. FORWARD THIS REPORT TO THE CITY OF TORONTO REQUESTING APPROVAL OF:
- (A) THE REQUIRED 2009 TRANSIT OPERATING SUBSIDY TO THE TTC;
 - (B) CONFIRMATION OF THE ESTABLISHMENT OF AN ADDITIONAL LONG-TERM SUBSIDY RECEIVABLE IN THE AMOUNT OF \$17.6 MILLION TO COVER POST-RETIREMENT BENEFIT NON-CASH EXPENSES FOR 2009 CONSISTENT WITH PREVIOUS ACCOUNTING TREATMENT APPROVED BY COUNCIL, AND;
 - (C) THE CONTRIBUTION OF ANY 2008 NET OPERATING SURPLUS TO THE TTC STABILIZATION RESERVE FUND FOR UTILIZATION AGAINST THE 2009 TTC OPERATING BUDGET.
6. FORWARD THIS REPORT TO THE ONTARIO MINISTER OF TRANSPORTATION, THE ONTARIO MINISTER OF ENERGY AND INFRASTRUCTURE, AND TO THE ONTARIO MINISTER OF FINANCE, FOR INFORMATION.
7. FORWARD THIS REPORT TO THE FEDERAL MINISTER OF TRANSPORT, INFRASTRUCTURE AND COMMUNITIES, FOR INFORMATION.
8. FORWARD THIS REPORT TO METROLINX FOR INFORMATION."

CHAIR GIAMBRONE MOVED THAT STAFF BE DIRECTED TO PROCEED WITH HIRINGS AND OTHER ACTIONS NECESSARY TO IMPLEMENT THE 2009 PLAN, RECOGNIZING



THAT IF THE BUDGET CHANGES AT A LATER DATE, ADJUSTMENTS WILL HAVE TO BE MADE.

THE MOTION BY CHAIR GIAMBRONE CARRIED.

4. PROCUREMENT AUTHORIZATIONS

- a) Procurement Authorization – Easier Access Phase III – Street Level/Bus Platform Accessibility Improvements – Contract No.: G60-171

It is recommended that the Commission authorize the acceptance of the tender submitted by Struct-Con Construction Ltd. (Struct-Con) in the amount of \$2,100,000.00 for Contract G60-171 Easier Access Phase III – Street Level/Bus Platform Accessibility Improvements.

APPROVED

- b) Procurement Authorization – Victoria Park Bus Terminal Replacement Contract E2-9

It is recommended that the Commission authorize the award of a contract to EllisDon Corporation in the amount of \$37,601,400.00 for Contract E2-9 – Victoria Park Bus Terminal Replacement.

APPROVED

- c) Summary of Authorized Expenditures Between \$200,000 to \$500,000 for the Period July 1, 2008 to July 31, 2008

It is recommended that the Commission receive this report for information. It lists expenditures (\$200,000 up to \$500,000) for the period July 1, 2008 to July 31, 2008 which were approved by the Chief General Manager.

RECEIVED

5. PROCUREMENT AUTHORIZATION AMENDMENTS

- a) Procurement Authorization – Purchase Order Amendment for the Benefit Plans Carriers for Employees and Pensioners

It is recommended that the Commission approve the issuance of Purchase Order Amendments:

1. to Great-West Life Assurance Company (GWL) to increase the total upset limit amount by \$4,400,000 to a total revised amount of \$11,400,000 for the provision of administrative and adjudication services for the healthcare, dental and out-of-province emergency medical plans and extend the contract from December 31, 2008 to December 31, 2010.



2. to Sun Life Assurance Company of Canada (Sun Life) to increase the total upset limit amount by \$1,200,000 to a total revised amount of \$3,550,000 for the provision of administrative and adjudication services for the group life, accidental death & dismemberment and long term disability plans and extend the contract from December 31, 2008 to December 31, 2010.

APPROVED

- b) Procurement Authorization Amendment – Ventilation Upgrade and Overhead Fuelling Arrow Road, Malvern and Wilson Bus Garages Contract G60-189 Contract Change G60-189-1

It is recommended that the Commission authorize Contract Change G60-189-1 to The State Group Inc. in the amount of \$2,139,050.00 for Specified Options, Part B – Overhead Fuelling at Arrow Road, Malvern and Wilson Bus Garages.

APPROVED

6. **NOTICE OF AWARDS**

- a) Notice of Award of Procurement Authorization
Patten Building Structural Rehabilitation Contract M1-89

It is recommended that the Commission receive the notice of award of Chair Giambrone, Vice-Chair Mihevc and the Chief General Manager authorizing the award of the tender submitted by Aplus General Contractors Corp. (Aplus) in the amount of \$778,000.00 for Contract M1-89, Patten Building – Structural Rehabilitation.

RECEIVED

7. **SERVICE MATTERS**

NIL

8. **OTHER BUSINESS**

- a) Oleoresin Capsicum Spray 2008 Mid-Year Report

It is recommended that the Commission receive this report for information.

RECEIVED

- b) TTC Corporate Policy – Special Event Pass

It is recommended that the proposed TTC Corporate Policy for the production of Special Event Passes as attached in Appendix A be approved.



APPROVED

9. **NEW BUSINESS**

a) Commissioner Peter Milczyn re: TTC Bus Parking on St. Alban's Road

The Commission had before it a communication dated September 4, 2008 from Commissioner Milczyn forwarding a petition submitted by the residents of the area adjacent to Kipling Subway Station expressing their concerns about the conditions created by TTC bus parking on St. Alban's Road.

COMMISSIONER MILCZYN MOVED THAT STAFF BE REQUESTED TO SUBMIT A REPORT TO THE OCTOBER MEETING OF THE COMMISSION ON THE CONCERNS RAISED IN THE PETITION AND ALSO THAT RESIDENTS BE GIVEN THE OPPORTUNITY TO DEPUTE ON THEIR CONCERNS, IF NECESSARY.

THE MOTION BY COMMISSIONER MILCZYN CARRIED.

10. **CORRESPONDENCE**

C-1 Rob MacIsaac, Chair, Metrolinx, dated September 5, 2008 concerning resolutions approved by the Toronto Transit Commission on the development of Transit City and the request for funding from Metrolinx.

THE COMMISSION RECEIVED THE COMMUNICATION FOR INFORMATION.

C-2 Virginia MacLean, O.C., Barrister & Solicitor, dated September 12, 2008 requesting an opportunity to address the Commission as a deputation at its October meeting concerning the matter entitled, "Procurement Authorization – Accessible Taxi Service Award."

CHAIR GIAMBRONE MOVED THAT THE LETTER BE REFERRED TO STAFF TO COMMUNICATE WITH MS. MACLEAN THAT THE TTC HAS AWARDED THE CONTRACTS IN QUESTION AND TO MEET WITH HER, IF REQUIRED. IF AFTER THAT COMMUNICATION, SHE STILL WANTS TO PRESENT TO THE COMMISSION, THE GENERAL SECRETARY MAKE PROVISION FOR THAT AT A FUTURE MEETING.

THE MOTION BY CHAIR GIAMBRONE CARRIED.

C-3 Penny Lamy, Chair, TTC Advisory Committee on Accessible Transportation requesting that the Commission establish a protocol for emergency shuttle service during elevator breakdowns.

CHAIR GIAMBRONE MOVED THAT THE LETTER BE REFERRED TO STAFF, WHO ARE MEETING WITH THE ACAT CHAIR TODAY. IF FOLLOWING THAT MEETING, THE ACAT



CHAIR STILL WANTS TO PRESENT TO THE COMMISSION, THE GENERAL SECRETARY MAKE PROVISION FOR THAT AT A FUTURE MEETING.

THE MOTION BY CHAIR GIAMBRONE CARRIED.

SUPPLEMENTARY AGENDA

11. Rosedale Station – Budd Sugarman Park

CHAIR GIAMBRONE MOVED THE FOLLOWING AMENDMENTS TO RECOMMENDATION NOS. 2A AND 2B:

- 2A. REDUCE THE DOLLAR AMOUNT FROM \$1.7 TO \$1.54 AND ADDING THE WORDING “NOTING THAT THE COMMISSION WILL NOT BE RESPONSIBLE FOR ANY COSTS TO LANDSCAPE OR BUILD THE PARK”, AND**
- 2B. ADD THE WORDING “AND THAT THE CHIEF GENERAL MANAGER BE ASKED TO CONTINUE TO WORK TO REFINE THE COSTS, AND REPORT BACK TO THE COMMISSION AT AN APPROPRIATE TIME;”**

RECOMMENDATION NO. 2 TO READ AS FOLLOWS:

- “2. THE COMMISSION’S APPROVAL BE CONDITIONAL UPON THE TTC BEING PROVIDED WITH A WRITTEN AGREEMENT, SATISFACTORY TO THE TTC, SPECIFYING THAT IT WILL BE COMPENSATED FOR:**
 - A. 100% OF THE TTC’S CAPITAL COSTS REQUIRED FOR ALL PHYSICAL CHANGES TO ROSEDALE STATION ASSOCIATED WITH THE PROPOSAL, WHICH ARE CURRENTLY ESTIMATED TO BE \$1.54 MILLION (2008 DOLLARS), SUBJECT TO REFINEMENT; AND NOTING THAT THE COMMISSION WILL NOT BE RESPONSIBLE FOR ANY COSTS TO LANDSCAPE OR BUILD THE PARK.**
 - B. 100% OF THE TTC’S ADDITIONAL OPERATING COSTS REQUIRED FOR THE CHANGE IN BUS LOOPING AT THE STATION, WHICH ARE ESTIMATED AT \$175,000 PER YEAR, OR A PRESENT VALUE LUMP SUM OF \$3 MILLION; AND THAT THE CHIEF GENERAL MANAGER BE ASKED TO CONTINUE TO WORK TO REFINE THE COSTS, AND REPORT BACK TO THE COMMISSION AT AN APPROPRIATE TIME.”**

THE MOTION BY CHAIR GIAMBRONE CARRIED.

CHAIR GIAMBRONE MOVED ADOPTION OF THE REPORT, AS AMENDED.

THE MOTION BY CHAIR GIAMBRONE CARRIED.



12. Procurement Authorization – Design, Supply & Install Signal System for South Yonge Subway

It is recommended that the Commission authorize:

- a) The award of a contract to Union Switch & Signal Inc. (US&S Inc) in the amount of \$14,032,123.04 (CDN) for the design, supply, install and testing of a fixed block auxiliary wayside signal system for the South Yonge Subway line including specified option for the provision of a Computer Based Zone Control Panel to be located at Davisville;
- b) Funds in the estimated amount of \$110,000.00 (CDN) that will be paid for freight and brokerage.

Bringing the total authorization for this contract to \$14,142,123.04 (CDN)

APPROVED

13. Procurement Authorization – Supply of Waste Receptacles

It is recommended that the Commission authorize \$210,887.38 in unbudgeted expenditures for the award of a contract to Custom Components for the supply of 310 waste and recycling receptacles for subway platforms.

APPROVED

The meeting adjourned at 5:35 p.m.



