

Minutes

Toronto Transit Commission

Meeting No. 1996

Wednesday, March 23, 2016

A meeting of the TTC Board was held in Committee Room 1, Toronto City Hall, 100 Queen Street West, Toronto, Ontario, on Wednesday, March 23, 2016 commencing at 10:00 a.m. The meeting recessed at 10:05 a.m. on resolution to meet as the Committee of the Whole and reconvened at 1:00 p.m.

Present - Committee of the Whole

J. Colle (Chair), M. Adamson, R. Byers, J. Campbell, S. Carroll, V. Crisanti, G. De Baeremaeker, R. Lalonde, J. Mihevc and D. Minnan-Wong (Members), A. Byford, C. Upfold, K. Watson for R. Leary, G. Piemontese, S. Reed Tanaka, V. Rodo, B. Ross, G. Shortt, J. Taylor, B. Leck, M. Atlas, J. O'Grady, C. Leach, D. McDonald and M. Balanco.

M. MacRae, P. Bartz, P. Schabas (Blake Cassels & Gradon LLP) and B. Chan, (Filion Wakely Thorup Angeletti LLP) were present for item #6.

J. Lee, D. Arksey, D. Guna, J. Lau, L. Trail, D. Marshall, M. Boboc, S. Hodgett (Osler Hoskin & Harcourt, LLP), V. Bila (MNP – Fairness Monitor) were present for item #9.

K. Sibley, C. Bergquist and J. Kervin were present for items 10, 11 and 12.

D. Magisano (Mayor's office) and K. Lillyman (Chair's office) were also present.

J. Colle was in the Chair.

Present – Public Session

J. Colle (Chair), M. Adamson, R. Byers, J. Campbell, S. Carroll, V. Crisanti, G. De Baeremaeker, R. Lalonde, J. Mihevc and D. Minnan-Wong (Members), A. Byford (Chief Executive Officer), C. Upfold (Deputy Chief Executive Officer & Chief Customer Officer), K. Watson (Head Bus Transportation for R. Leary - Chief Service Officer), J. O'Grady (Chief Safety Officer), G. Piemontese (Chief People Officer), S. Reed Tanaka (Chief Capital Officer), V. Rodo (Chief Financial & Administration Officer), B. Ross (Executive Director - Corporate Communications), G. Shortt (Chief Operating Officer), J. Taylor (Chief of Staff), B. Leck (Head - Legal & General Counsel), J. Lee (Head - Materials & Procurement), M. Atlas (Senior Solicitor), P. Kraft (Head of Property, Planning and Development) J. Kervin (Director – Third Party Planning & Property), C. Leach (Acting Head – Audit), M. MacRae (Director – Employee Relations), M. Cousins (Head – Transit Enforcement), K. Sibley (Chief Project Manager – TYSSE), C. Bergquist (Projects Contracts Manager - TYSSE), R. Thompson (Chief Project Manager – Scarborough Subway Extension), M. Stevenson (Development Co-ordinator, Property, Planning & Development), D. Arksey (Project Manager – ITS), D. McDonald (Co-ordinator – Secretariat Services) and M. Balanco (Administrator – Secretariat Services) were present.

John Lively (Deputy City Manager), Peter Notaro (Director – Corporate Intergovernmental and Agency Relations – City Manager’s Office), James Pertula (Program Manager – Transit Implementation Unit) and Tim Laspa (Director – Transportation Planning) were present for item 3.

S. Hodgett (Osler Hoskin & Harcourt, LLP) and V. Bila (MNP – Fairness Monitor) were present for item 9.

M. Wolczyk (Vice President, Corridor Infrastructure Capital Projects Group, Metrolinx) was present for item 17.

J. Colle was in the Chair.

Declarations of Interest – Municipal Conflict of Interest Act

Nil

Minutes of Previous Meetings

Commissioner Lalonde moved that the Board approve the minutes from Meeting No. 1995 and that the Chair and Chief Financial & Administration Officer be authorized to sign the same.

The motion by Commissioner Lalonde carried.

Business Arising Out of the Minutes

Nil

Public Presentations

- a) Emerging Transit Plans (Referred from the February 25, 2016 meeting)

Alan Yule

Hamish Wilson (brief submitted)

The Board received the deputations for information.
(See Item No. 3 for minute).

- b) Scarborough Subway Extension – Update

Hamish Wilson

The Board received the deputation for information
(See Item No. 4 for minute)

- c) 2016 Ridership Update

Alan Yule

Jessica Bell, TTCriders

Brenda Thompson, Scarborough Transit Action

Bob Brent (brief submitted)

The Board received the deputations for information.
(See Item No.5 for minute).

- d) Improved Transit Services in East/Central Downtown: 214 Cherry – Streetcar Service on King Street

Alan Yule

Hamish Wilson

The Board received the deputations for information.
(See Item No. 24 for minute).

- e) Improved Transit in East/Central Downtown: 72 Pape and 121 Fort York – Esplanade Bus Routes

James Loxley, Delegate to the SLNA for Performing Arts Lodge

Alan Yule

The Board received the deputations for information.
(See Item No. 25 for minute).

Presentations/Reports/Other Business

1. Chief Executive Officer's Report – March 2016 Update

The Board received the Chief Executive Officer's Report – March 2016 Update for information.

2. Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting for January 29, 2016

The Board received for information the approved minutes from the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting of January 29, 2016.

3. Presentation: Emerging Transit Plans (Referred from the February 25, 2016 Meeting)

John Livey (Deputy City Manager), Peter Notaro (Director – Corporate Intergovernmental and Agency Relations – City Manager's Office), James Pertula (Program Manager – Transit Implementation Unit) and Tim Laspa (Director – Transportation Planning) were invited to the table to answer questions of the Members.

Chair Colle moved the following motion:

Request the TTC CEO, Chief Planner and Executive Director, City Planning review the feasibility of connecting the Eglinton Crosstown West LRT to Finch LRT through the Toronto

Pearson Airport campus, and report to the June 28, 2016 meeting of the Executive Committee and the June 29th meeting of the TTC Board.

Commissioner Carroll moved an amendment to the Chair's motion as follows:

That the motion be approved "on the understanding that further study would require an upfront contribution from other levels of government and the Airport Authority".

The motion by Commissioner Carroll carried.

The amended motion now reads:

"Request the TTC CEO, Chief Planner and Executive Director, City Planning review the feasibility of connecting the Eglinton Crosstown West LRT to Finch LRT through the Toronto Pearson Airport campus on the understanding that further study would require an upfront contribution from other levels of government and the Airport Authority, and to report to the June 28, 2016 meeting of the Executive Committee and the June 29th meeting of the TTC Board."

The motion by Chair Colle carried, as amended.

Chair Colle also moved the following motion:

"That staff report back to the Board in Q2 on:

- a) The roles and responsibilities of TTC and the City as it relates to transit expansion projects including the three phases of Planning, the Environmental Assessment/Transit Project Assessment Process and Design & Construction;
- b) mechanisms in place to ensure proper administrative governance of decision making;
- c) recommendations for improving the process."

The motion by Chair Colle carried.

Commissioner Mihevc moved the following motions:

"1. That the TTC Commission support in principle the following:

- a. the TTC assert its desire to undertake the role of overall project manager for the Eglinton Crosstown East and West;
- b. the TTC immediately undertake the work to amend the Environmental Assessments for the Eglinton Crosstown East and West;
- c. the TTC develop a schedule for the delivery of the two projects for 2021, consistent with the opening of the Eglinton Crosstown;

and further request TTC staff to report back on this motion at the TTC Commission following Council's decision on Eglinton Crosstown East and West.

2. Endorse the direction recommended by the Chief Planner subject to the following:

that SOGR and base capital funding occur as a first priority including:

- Additional buses and garages
 - ATC on the Bloor/Danforth line
 - Platform edge doors (to be evaluated first)
 - Additional LRVs as required
 - Elevators in all subways as per AODA requirements
3. The TTC report separately ASAP on the issue of the connection between Queen's Quay/Union Station, specifically addressing the state of the issue and possible strategies for effective connectivity."

Each motion was voted on separately by the Board. All three of Commissioner Mihevc's motions carried.

4. Scarborough Subway Extension

The Board received the report for information.

Correspondence: Sharon Yetman, Platform Technology Consultancy

5. 2016 Ridership Update

Chair Colle moved that the Board, in accordance with section 34 of the procedural Bylaw relating to Agenda and order of business, consider item #28 - New Business: Fare Evasion at the same time as item #5 - 2016 Ridership Update.

The motion by Chair Colle carried on a majority vote.

Commissioner Carroll moved the following motion on item #5:

"That TTC staff report back to the Commission by the third quarter of 2016 with a development plan for a comprehensive multi-year strategy to address current ridership stagnation and to achieve a steady rate of ridership growth annually thereafter."

The motion by Commissioner Carroll carried.

Chair Colle moved the following motion on item #5:

"Request that staff provide a further update on 2016 ridership at the June 2016 meeting of the TTC Board."

The motion by Chair Colle carried.

Report #5 was adopted as amended.

See #28 for the minute relating to the New Business: Fare Evasion item.

Correspondence: Moya Beall

6. Fitness for Duty

The Board:

1. Approved the recommendations in the Confidential Attachment, as amended; and
2. Authorized that the information in the confidential attachment remain confidential in its entirety as it contains information or communication that is subject to solicitor-client privilege.

7. Large Litigation Matters

It is recommended that the Board:

1. Receive the confidential information as set out in Confidential Attachment 1;
2. Authorize that the information provided in the Confidential Attachment 1, remain confidential in its entirety as it contains advice that is subject to solicitor-client privilege.

Approved

8. PRESTO Partnership Opportunities

It is recommended that the Board:

1. Receive the confidential update related to PRESTO partnership opportunities;
2. Authorize that the information contained in the confidential update remain confidential in its entirety as it involves the security of the property of the municipality or local board.

Approved

9. Procurement Authorization – System Integrator Services for SAP-ERP Implementation Program (WAVE 1)

It is recommended that the Board:

1. Authorize the award of Contract No. C25PX15779 for System Integrator Services for the SAP-ERP Implementation Program (Wave 1) to IBM in the Total Contract Price of \$9,095,370.00 (inclusive of HST).
2. Receive the information as set out in the Confidential Attachment.
3. Authorize that the information as set out in the Confidential Attachment remain confidential as it is subject to solicitor-client privilege.
4. Note that regular reports will be provided to the TTC E-System Working Group to include project KPIs and benefits identified and quantified during the business process re-engineering phases of the program.

Approved

10. Toronto-York Spadina Subway Extension Claims Settlement (TYSSE) Update

It is recommended that the Board:

1. Receive the confidential update related to the status of TYSSE claims settlement.
2. Authorize that the information in the confidential attachment remain confidential in its entirety as it contains information or communication that is subject to solicitor-client privilege.

Approved

11. Toronto-York Spadina Subway Extension License of Land for Commuter Parking Lot at Pioneer Village Station – Cherrywood/Clairville Hyrdro Corridor, Vaughan

It is recommended that the Board:

1. Authorize the execution of a licence agreement between Her Majesty the Queen in the Right of Ontario (as represented by the Minister of Infrastructure) and the Toronto Transit Commission for the licence of lands described in Attachment 1, for a term of seven (7) years in accordance with the terms and conditions set out in Attachment 2 and as summarized in this report, in accordance with the Toronto Transit Commission's policies, and any other documents or agreements arising as a result of entry into the licence;
2. Approve the recommendations in the Confidential Attachment;
3. Execute all documents and agreements in accordance with the Toronto Transit Commission's policies and on terms and conditions acceptable to the TTC's Head of Legal and General Counsel.

Approved

12. Toronto-York Spadina Subway Extension Notice of Commercial Mitigation Measures at VCC Station Contract A37-1

The Board:

1. Received the notice of approval of the Chair, Vice-Chair and Chief Executive Officer in regards to TYSSE Contract A37-1 on March 11, 2016.
2. Received the information contained in the Confidential Attachment.
3. Authorized the information provided in the Confidential Attachment remain confidential in its entirety as it contains information that is subject to solicitor client privilege.

13. Employment Matter

The Board:

1. Received the information as set out in Confidential Attachment 1;
2. Authorized that the information contained in the Confidential Attachment remain confidential in its entirety as it relates to a labour relations matter for which the Board has oversight.

14. Toronto-York Spadina Subway Extension Procurement Authorization Amendment – Contract A29-1

It is recommended that the Board:

1. Authorize a contract change in the amount of \$5,400,000 to implement acceleration and incentives to achieve substantial completion of the York University Station under TTC contract A29-1 to meet the reset schedule substantial performance date of May 31, 2017. Terms will include:
 - Future contract milestone dates, which remain subject to liquidated damages, will be revised to the dates defined in the Reset schedule.
 - The contractor, EllisDon, will indemnify TTC against delays to achieving the substantial performance date, save for significant changes or events that are not yet known.

Approved

15. Toronto-York Spadina Subway Extension Procurement Authorization – Contract A31-3 – Steeles West Station North

It is recommended that the Board:

1. Authorize the Award of Contract A31-3 – TYSSE – Steeles West Station North to Bondfield in the amount of \$21,328,750.00 inclusive of all taxes on the basis of lowest total bid price.

Approved

16. Toronto-York Spadina Subway Extension Procurement Authorization – Contract A35-27 – Structural Finishing

It is recommended that the Board:

1. Authorize the award of Contract A35-27 – TYSSE – Structural Finishing to Bondfield in the amount of \$9,763,200.00 inclusive of all taxes on the basis of lowest total bid price.

Approved

17. Metrolinx Kipling Interregional Bus Terminal Project

Commissioner Campbell moved the following motion:

- “1. Request that Metrolinx report to the TTC on possible revisions to the design concept for the Metrolinx Terminal at the TTC Kipling Station that would increase commuter parking spaces from 1467 to 2,500-3,000 spaces; and
2. That the report includes the feasibility of adding a parking deck at the south parking lot.”

The motion by Commissioner Campbell carried.

The item was adopted, as amended.

18. Procurement Authorization – Supply of Bus Tires

It is recommended that the Board:

1. Authorize the award of a contract for the supply of bus tires to Goodyear Canada Inc. for an initial two year period, commencing May 1, 2016 and ending April 30, 2018, in the total upset limit amount of \$11,000,000 CDN including applicable taxes, on the basis of submitting the lowest bid price; and
2. Delegate authority to the CEO to add up to \$35,000,000 CDN including applicable taxes to the contract with Goodyear to cover the cost of tires during the five year period from May 1, 2018 to April 30, 2023, as the contract allows TTC staff to exercise contract extension options up to a maximum of five years beyond the expiration of the initial two year term; and
3. Authorize an amendment to the existing bus tire contract with Bridgestone Canada Inc. to extend the contract by 36 months, from April 30, 2016 to April 30, 2019, and add an additional \$5,500,000 CDN including applicable taxes.

Approved

19. Procurement Authorization – Supply of Various OBI Bus Parts for Hybrid Bus Fleet

It is recommended that the Board authorize:

1. The award of an inventory contract for the supply of various OBI bus parts for the Orion Hybrid bus fleet for the period of approximately March 2016 to March 2019 to New Flyer Industries Canada ULC (New Flyer) in the upset limit amount of \$9,969,000 including applicable taxes on the basis of single source.

Approved

20. Procurement Authorization – Supply of Various Detroit Diesel and Allison Transmission Bus Parts

It is recommended that the Board authorize:

1. The award of an inventory contract for the supply of genuine OEM Detroit Diesel and Allison Transmission bus parts for the period of approximately April 2016 to April 2019 to Wajax Power Systems in the upset limit amount of \$34,329,000 including applicable taxes on the basis of single source.

Approved

21. TTC Corporate Policy Review: Policy 6.5 Authorization for Expenditures & Other Commitments

It is recommended that the Board approve:

1. Increasing authorization for the Chief Executive Officer for Leasing Realty and Concession to \$1M per annum (from \$200K per annum) bringing the CEO's signing authority over a typical 5-year lease in line with the CEO's current authorization limit of \$5M.
2. Incorporation of a new "Segregation of Duties" section (Section 4.0) to improve internal controls;
3. That the Head of Materials & Procurement approve any necessary term extensions to single-source contracts where there are no financial impacts, but competition for the specified requirement exists; and
4. The updated definitions and housekeeping changes to the policy as set out in this report, and as attached.

Approved

22. Overhaul of 30 Canadian Light Rail Vehicles (CLRV) and Maintaining non-Overhauled Streetcars in a State of Good Repair

It is recommended that the Board approve:

1. Overhaul of thirty (30) Canadian Light Rail Vehicles (CLRVs) as a Capital Project at an estimated final cost (EFC) of \$9.1 million;
2. Refurbishment of critical mechanical, pneumatic and electrical components to maintain the non-overhauled CLRVs in a state of good repair at an operating cost of \$17.5 million;
3. Refurbishment of critical mechanical, pneumatic and electrical components to maintain the non-overhauled ALRVs in a state of good repair at an operating cost of \$7.5 million;

4. Staff to proceed with the identified work in advance of Council approval in order to meet and maintain Streetcar service;
5. Staff to accrue costs and apply these costs to future claims allowed for in the Bombardier Transportation contract under liquidated damages; and
6. Submission of this report to City of Toronto Council for approval.

Approved

23. 2015 TTC Transit Enforcement Annual Report To The Toronto Transit Commission and the Toronto Police Services Board

It is recommended that the Board:

1. Receive the attached report to the Toronto Police Services Board in accordance with Section 8.9 of the Special Constable Agreement between the Toronto Police Services Board and the Toronto Transit Commission and;
2. Forward the attached report to the Toronto Police Services Board in accordance with Section 8.9 of the Special Constable Agreement between the Toronto Police Services Board and the Toronto Transit Commission.

Approved

24. Improved Transit Service in East/Central Downtown: 514 CHERRY – Streetcar Service on King Street

It is recommended that the Board:

1. Approve the implementation of streetcar service on Cherry Street, as detailed in this report, effective June 19, 2016; and
2. Forward this report to the City of Toronto Planning Department, Transportation Services, and the affected City Councillors.

Approved

Correspondence for items 24 & 25

Dr. Philip Webb, Cities Centre, University of Toronto

Councillor Joe Cressy, City of Toronto, Ward 4

Councillor Mike Layton, City of Toronto, Ward 19

(Petition supporting implementation of the 514 Cherry streetcar route and the 121 Fort York-Esplanade bus route)

25. Improved Transit in East/Central Downtown: 72 Pape and 121 Fort York-Esplande Bus Routes

It is recommended that the Board:

1. Approve the recommended changes to transit services, as detailed in this report, effective June 19, 2016; and,
2. Forward this report to the City of Toronto Planning Department, Transportation Services, and the affected City Councillors.

Approved

26. Notice of Motion: Essential Service – Bill 150, TTC Labour Disputes Resolution Act, 2011

1. That the staff be requested to report back to the April 27, 2016 Board meeting, with a Confidential Attachment where appropriate, on:
 - i) the Amalgamated Transit Union, Local 113 letter to the Ministry of Labour;
 - ii) alternative management responses; and
 - iii) the litigation action initiated by the Amalgamated Transit Union, Local 113 pertaining to Bill 150.

Approved

27. Notice of Motion: Adding a Member to the Human Resources & Labour Relations Committee

It is recommended that the Board:

Approve appointing Commissioner Denzil Minnan-Wong to the Human Resources & Labour Relations Committee

Approved

28. New Business Item: Fare Evasion

Note: this item was considered in conjunction with item #5 - 2016 Ridership Update (see item #5 for minute)

The Board approved the recommendation in New Business item #28 as follows:

Request TTC staff to report to the next meeting of the TTC on the operations of the POP system on streetcars and the possible corrective actions required to reduce and stop fare evasion.

The meeting adjourned at 5:20 p.m.