



Minutes

Toronto Transit Commission Board

Meeting No.: 2042

Meeting Date: Tuesday, February 25, 2020

A meeting of the TTC Board was held in Committee Room 2, Toronto City Hall, 100 Queen Street West, Toronto, Ontario on Tuesday, February 25, 2020 commencing at 1:03 p.m. The meeting recessed at 6:08 p.m. to meet as the Committee of the Whole. The Board reconvened the public session at 6:55 p.m.

Present at Committee of the Whole

A. Heisey, Q.C. (Vice-Chair), D. Minnan-Wong, B. Bradford, S. Carroll, J. De Laurentiis, J. Karygiannis, R. Lalonde, J. McKelvie, J. Osborne (Commissioners), R. Leary, G. Downie, J. La Vita, B. Leck, K. Llewellyn-Thomas, M. MacRae, N. Poole-Moffatt, S. Reed Tanaka, J. Ross, K. Watson, M. Atlas, C. Finnerty, K. Lee and A. Farnsworth.

J. Campbell (JD Campbell and Associates), G. Aujla, N. Chughatai, D. Geddes, O. Kobylansky, D. LoPresti, M. Piemontese (TTC Staff) were present for Item 6

D. Magisano (Mayor's Office) was present.

A. Heisey was in the Chair.

Present at Public Session

A. Heisey, Q.C. (Vice-Chair), B. Bradford, S. Carroll, J. De Laurentiis, J. Karygiannis, R. Lalonde, J. McKelvie, D. Minnan-Wong, J. Osborne (Commissioners), R. Leary (Chief Executive Officer), G. Downie (Chief Expansion Officer), B. Hasserjian (Chief Safety Officer - Acting), J. La Vita (Interim Chief Financial Officer), B. Leck (General Counsel), K. Llewellyn-Thomas (Chief Customer Officer), M. MacRae (Executive Director – Business Transformation), F. Monaco (Chief of Infrastructure and Engineering), G. Piemontese (Chief People Officer), N. Poole-Moffatt (Chief of Corporate Affairs), S. Reed Tanaka (Chief Capital Officer), J. Ross (Chief Operating Officer), K. Watson (Deputy CEO – Operations), R. Wong (Chief Vehicle Officer), M. Atlas (Associate General Counsel), T. Bal (Head – Audit, Risk and Compliance), B. Case (Head – Vehicle Programs), Allan Foster (Head – Farecard Team), D. Geddes (Head – Wheel-Trans), Michelle Jones (Head – Revenue Protection), O. Kobylansky (Executive Director, Operations), M. Piemontese

(Director – Project Procurement), C. Finnerty (Manager – CEO Business Support, Council Relations), K. Lee (Director – Commission Services) and A. Farnsworth (Co-ordinator – Secretariat Services).

A. Heisey was in the Chair.

Declaration of Interest - Municipal Conflict of Interest Act

Nil

Minutes of the Previous Meeting

Commissioner Lalonde moved that the Board approve the minutes of meeting 2041, held on Monday, January 27, 2020.

The motion by Commissioner Lalonde carried.

Business Arising Out of the Minutes

Nil

Order Paper

Commissioner Minnan-Wong moved that the Board add Item 6 – Award of Wheel-Trans Taxi Service Contracts to the in-camera agenda for the purpose of receiving information from staff that is subject to solicitor-client privilege, and that the Order Paper be altered such that Item No. 6 would immediately precede Item 18.

The motion by Commissioner Minnan-Wong carried.

Public Presentations

Vice-Chair Heisey moved the following motion:

1. That the length of public presentations be limited to 3 minutes.
2. That questions of speakers by Board Members be limited to 3 minutes, with one round of questions per Member.
3. That questions to staff from Board Members be limited to 3 minutes in total, with one round of questions per Member.
4. That speaking times for all Board Members be 3 minutes, with one round of speaking per Member.

The motion by Vice-Chair Heisey carried.

Vice-Chair Heisey moved that the Board grant late requests to speak to Loretta Fisher (Item 10), Butterfly GoPaul (Item 11) and Emily Daigle (Items 11, 19).

The motions by Vice-Chair Heisey carried on a two thirds vote of the members present.

Item No. 6: Award of Wheel-Trans Taxi Service Contracts
Ross Zambri and Alana Milhalj (Amalgamated Transit Union 113)

The Board received the deputation for information (see Item 6 for minute).

Item No. 7: TTC Green Bus Program Update
Alan Yule

The Board received the deputation for information (see Item 7 for minute).

Item No. 8: Procurement Authorization – Purchase of Wheel-Trans Buses
Alan Yule

The Board received the deputation for information (see Item 8 for minute).

Item No. 10: Audit, Risk and Compliance: Fare Evasion Study (2019)
Mary Kruk
Shastri Hamid Crooks
Shelagh Pizey-Allen (TTC Riders)
Loretta Fisher

The Board received the deputations for information (see Item 10 for minute).

Item No. 11: The TTC's Revenue Protection Strategy
Alan Yule
Mary Kruk
Deborah Littman (Amalgamated Transit Union Local 113)
Adam Cohoon
Michael Shaffer
Herman Rosenfeld (TTC Riders)
Butterfly GoPaul
Emily Daigle

The Board received the deputations for information (see Item 11 for minute).

Item No. 15: Notice of Motion – DVN Connects: Recommended Interim Transit Solutions (2020-2041)
Ash Matta and Susan Wakutz

The Board received the deputation for information (see Item 15 for minute).

Item No. 17: Notice of Motion – Modernizing the TTC’s Fare Evasion Strategy and Transit Fare Enforcement Oversight

Adam Cohoon
Shastri Hamid Crooks

The Board received the deputations for information (see Item 17 for minute).

Item No. 19: New Business – Streetcar and Track Noise at the Intersection of King Street East and Sumach Street

Alan Yule
Meredith Mednick
Emily Daigle

The Board received the deputations for information (see Item 19 for minute).

Presentations/Reports/Other Business

1. Chief Executive Officer’s Report – February 2020 Update

The Board received the Chief Executive Officer’s Report – February 2020 Update for information.

Received

2. Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting for December 19, 2019.

ACAT Chair Mazin Aribi introduced this item.

Following the ACAT Chair’s comments, the Board received the approved minutes from the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting of December 19, 2019 for information.

Received

3. Summerhill Station – Second Exit/Entrance Authorization of Third Party Design/Construction Agreement and Property Acquisition

It is recommended that the Board:

1. Authorize the execution of the design and construction agreement with the Developer for the Summerhill Second Exit/Entrance, as illustrated in Appendices A, B & C on terms and conditions satisfactory to TTC’s General Counsel, noting that the authorization of the construction expenditures will be the subject of a future Board request for approval;

2. Authorize an upset limit amount of \$2.5M for the design, site investigation and associated management costs of the Summerhill Second Exit/Entrance by the Developer; and
3. Approve the property acquisition recommendations set out in Attachment 1 – Confidential Information and maintain confidentiality of the information until such time as the agreement(s) are executed with all the property owners.

Approved

4. Long Branch Loop - Mississauga Transit License Agreement

It is recommended that the Board:

1. Authorize staff to request the City of Toronto to negotiate and enter into a new license agreement with the City of Mississauga on TTC's behalf, for the use of a portion of the Long Branch Loop by Mississauga Transit, on terms and conditions summarized in this report, in a form acceptable to TTC's General Counsel.

Approved

5. Bloor-Yonge Station Capacity Improvements – Procurement Amendment Authorization

It is recommended that:

1. The Board authorize a contract amendment to AECOM for Contract S85-42 Bloor-Yonge Station Capacity Enhancement, increasing the upset limit amount by \$12,000,000, bringing the total upset limit amount to \$17,700,000.

Approved

6. Award of Wheel-Trans Taxi Service Contracts

Vice-Chair Heisey moved the following motion:

That the TTC Board direct TTC staff, in consultation with the Advisory Committee on Accessible Transit (ACAT) and the City of Toronto's Municipal Licensing and Standards Division, to conduct a jurisdictional scan of how other transit agencies deliver paratransit service, with a specific focus on the integration of new mobility technologies and services, for consideration in the development of future procurements related to Wheel-Trans services.

The motion by Vice-Chair Heisey carried.

Commissioner Minnan-Wong moved the following motion:

That the Board request staff to report back in Q2 2024 regarding the process for the next award of service contracts for the Accessible Taxi Service and for the Sedan Meter-Based Taxi Service.

The motion by Commissioner Minnan-Wong carried.

The staff recommendations were considered as follows:

It is recommended that the Board:

1. Authorize the award of service contracts for the Accessible Taxi Service to the following companies, in the upset limit amounts indicated below, with a duration of five years from Notification of Award, on the basis of the highest total weighted scores:

	Upset Limit Amount
Associated Toronto Taxi-Cab Co-operative Limited (Co-op)	\$51,000,000
2605881 Ontario Inc. (Royal Taxi)	\$51,000,000
1210670 Ontario Inc. (Scarborough)	\$51,000,000
1145659 Ontario Limited (Checker)	\$51,000,000
Beck Taxi Ltd. (Beck)	\$51,000,000
Total Overall Upset Limit: \$ 255,000,000	

2. Authorize the award of contracts for the Sedan Meter-Based Taxi Service to the following companies, in the upset limit amounts indicated below, with a duration of five years from Notification of Award, on the basis of the highest total weighted scores:

	Upset Limit Amount
Associated Toronto Taxi-Cab Co-operative Limited (Co-op)	\$49,000,000
1210670 Ontario Inc. (Scarborough)	\$49,000,000
Beck Taxi Ltd. (Beck)	\$49,000,000
Total Overall Upset Limit (Rounded) : \$ 147,000,000	

3. Authorize amendments to increase the total upset limits of the four current Accessible Taxi Distance-Based Service Contracts in the amount of \$5,500,000 inclusive of all applicable taxes, increasing the total upset limit from \$216,000,000 to \$221,500,000 to allow for the transition start of new service contracts.
4. Authorize amendments to increase the upset limits of the two current Sedan Meter-Based Taxi Service Contracts in the amount of \$7,000,000 inclusive of all applicable taxes, increasing the total upset limit from \$147,000,000 to \$154,000,000 to allow for the transition start of new service contracts; and
5. Delegate authority to the Chief Executive Officer to allocate approved funds to the current Accessible Taxi Distance-Based and Sedan Meter-Based Taxi Service Contractors.

Approved

Correspondence submitted by: Active Ride Taxi Management.

7. TTC Green Bus Program Update

Bem Case (Head – Vehicle Programs) and Dwayne Geddes (Head – Wheel Trans) delivered a joint presentation on Items 7 and 8.

Commissioner McKelvie moved the following motion:

That the Board request staff to report back in Q3 2020 on potential partnership opportunities that could:

- a) Advance the design, procurement and construction of TTC's electric vehicle charging infrastructure; and
- b) Enable the co-investment, co-ownership and co-maintenance of the TTC charging system network.

The motion by Commissioner McKelvie carried.

Commissioner Bradford moved the following motion:

That the TTC Board direct the TTC CEO to submit to the September 2020 TTC Board meeting a business case analysis for action on an expedited procurement plan for the 614 funded buses included in the revised 2020 Capital Budget.

The motion by Commissioner Bradford carried.

The staff recommendations were considered as follows:

It is recommended that the TTC Board:

1. Receive this report for information.

Approved

8. Procurement Authorization – Purchase of Wheel-Trans Buses

Bem Case (Head – Vehicle Programs) and Dwayne Geddes (Head – Wheel Trans) delivered a joint presentation on Items 7 and 8.

It is recommended that the TTC Board:

1. Authorize a contract to Creative Carriage Ltd. for \$28,780,000.00 inclusive of all taxes for the supply and delivery of the following:
 - a. twenty (20) 6-metre ProMaster buses in the amount of \$3,750,000.00 inclusive of all estimated costs including contract change allowances, and applicable taxes for delivery between 2020 and 2022.
 - b. ninety-one (91) 7-metre ProMaster buses in the amount of \$25,030,000.00 inclusive of all estimated costs including contract change allowances, and applicable taxes, as follows:
 1. \$280,000.00 for the purchase of one (1) 7-metre Wheel-Trans bus for delivery in 2020, which includes options and alternatives, to be used as a pilot vehicle for assessment by the Advisory Committee on Accessible Transit (ACAT).
 2. Subject to approval by ACAT of the pilot vehicle secured under recommendation 1.b.1, \$24,750,000.00 for the purchase of ninety (90) 7-metre Wheel-Trans buses for delivery in 2020 through 2021.

Approved

9. TTC Status Update – Anti-Racism Strategy and Ombudsman Recommendations

It is recommended that the TTC Board:

1. Receive this report for information.

2. Forward this report to the City of Toronto Executive Committee in response to Item CC9.2 – Ombudsman Toronto Enquiry Report: Review of the Toronto Transit Commission’s Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors.

Approved

10. Audit, Risk and Compliance: Fare Evasion Study (2019) (forwarded from the Audit & Risk Management Committee meeting of February 11, 2020)

It is recommended that the TTC Board receive this report for information.

Approved

11. The TTC’s Revenue Protection Strategy (forwarded from the Audit & Risk Management Committee meeting of February 11, 2020)

Commissioner Bradford moved the following motion:

That the TTC Board direct the TTC CEO to align specific reporting timelines of the TTC’s Revenue Protection Strategy and the TTC’s Fare Strategy, as follows:

- a) Recommendation #27 from the Auditor General’s Report related to By-law No. 1 be reported on as part of the TTC Fare Strategy in Q4 2020.

The motion by Commissioner Bradford carried.

Commissioner Karygiannis moved the following motion:

That the TTC Board request staff to report back in Q4 2020 as part of the TTC Fare Strategy on the cost for Torontonians to ride the TTC for free.

Commissioner Karygiannis requested a recorded vote.

In favour: Vice-Chair Heisey, Commissioners Bradford, Carroll, Karygiannis, McKelvie, Osborne

Opposed: Commissioners De Laurentiis, Lalonde, Minnan-Wong

The motion by Commissioner Karygiannis carried on a vote of 6 to 3.

Commissioner Osborne moved the following motion:

That TTC staff report back in Q2 2020 on fare evasion, as follows:

- a) TTC policies on fine amounts and charges; and
- b) Data on fare enforcement, including fines and charges levied in 2019.

The motion by Commissioner Osborne carried.

Commissioner Carroll moved the following motion:

That the TTC Chair strike a Working Group to provide advice on the TTC Revenue Protection Strategy as it progresses through the steps outlined in the February 2020 report, and that the Working Group meet on a quarterly basis.

The motion by Commissioner Carroll carried.

The staff recommendations were considered as follows:

It is recommended that the TTC Board receive this report for information.

Approved

Correspondence submitted by: Adam Roy Cohoon; Amalgamated Transit Union Local 113; Jane Finch Action Against Poverty.

12. Audit, Risk and Compliance: Flexible Work Plan (2020) (forwarded from the Audit & Risk Management Committee meeting of February 11, 2020)

It is recommended that the TTC Board receive this report for information.

Approved

13. City Council Transmittal – Member Motion 14.9 – Preparing for Housing Now at the 50 Wilson Heights Boulevard Site

It is recommended that the TTC Board consider City Council's decision, as follows:

City Council requests the Toronto Transit Commission Board:

1. To engage in discussions with Canada Lands Corporation, to temporarily transform the north section of the Downsview Park Merchants Market parking lot,

and in close proximity to Downsview Park Subway station, into a weekday pay-and-display commuter parking lot before and during construction phases at the 50 Wilson Heights Boulevard Site, as outlined in Attachment 1 to this Motion, and

2. To request the Chief Executive Officer, Toronto Transit Commission to report by the end of the third quarter of 2020 on the feasibility of improving community bus service and reinstating the cancelled Ward 6 Community Bus to service neighbourhoods that will be adversely affected by the removal of commuter parking stalls at the 50 Wilson Heights Boulevard, as outlined in Attachment 2 to this Motion.

Approved

14. City Council Transmittal – Member Motion 14.12 – Improving Air Quality in the Dufferin Street Corridor Between Eglinton Avenue West and Wilson Avenue

It is recommended that the TTC Board consider City Council's decision, as follows:

1. That the Toronto Transit Commission Board request the Chief Executive Officer, Toronto Transit Commission to report on the options and feasibility of converting or replacing the diesel buses on the Dufferin 29 route to Zero Emissions Electric Buses in order to reduce carbon emissions and help improve air quality in the Dufferin Corridor.

Approved

15. Notice of Motion – DVN Connects: Recommended Interim Transit Solutions (2020-2041)

It is recommended:

1. That the Board direct staff to confirm with Metrolinx and study the impact of the lack of higher-order transit on Sheppard Avenue East in the medium term and report back by the end of Q4 2020.
2. That the Board direct staff to study and report back in the same report on suggested interim solutions including those provided by DVN Connects in Attachment 1.

Approved

The TTC Board also considered the following motion by Commissioner Karygiannis:

That the Board direct staff to confirm with Metrolinx and study the impact of the lack of higher-order transit on Finch Avenue East, from Yonge Street to Markham Road, and report back by the end of Q4 2020.

The motion by Commissioner Karygiannis carried.

Correspondence submitted by: Ash Matta.

16. Notice of Motion – Funding Our 5-Year Service Plan

It is recommended that:

1. The TTC Board request that the TTC Chief Executive Officer, when engaging in negotiations with the provincial and federal governments for funding for the TTC's vehicle procurement priorities, tie funding requests to the implementation of the TTC's 5-Year Service Plan and service levels as prescribed by the strategy.

Approved

17. Notice of Motion – Modernizing the TTC's Fare Evasion Strategy & Transit Fare Enforcement Oversight

Commissioner Bradford moved the following motion:

That recommendation No 2. In the Notice of Motion be amended as follows:

2. Request that TTC staff report back in Q4 2020, through the Ombudsman Toronto Enquiry Report Review update reports, on an approach to fare evasion that balances transit equity with approaches to addressing lost revenue, considering approaches such as:
 - a. a warning-based system;
 - b. practices and policies allowing for greater discretion to address the diversity and inclusion implications of fare enforcement;
 - c. a sliding scale of fines with increasing penalties for offences over time;
 - d. a sliding scale of fines based on different types of offences such as elevated fines for customers in fraudulent use of Child Fare PRESTO passess; and
 - e. increased enforcement visibility as a strategy to incentivize fare compliance.

The motion by Commissioner Bradford carried.

The Board considered the Notice of Motion as amended:

It is recommended that the TTC Board:

1. Request that TTC staff combine future reporting on the *Auditor General's Report - Review of Toronto Transit Commission's Revenue Operations and the Ombudsman Toronto Enquiry Report Review of the TTC's Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors*, and that future updates include details such as:
 - a. Clarifying roles and responsibilities of the Unit Complaints Coordinator (UCC);
 - b. TTC communications and customer complaint protocol for incidents involving the Transit Enforcement Unit;
 - c. TTC investigation protocols and the relationship between the UCC, the TTC and Toronto Police Services when an incident/investigation occurs; and,
 - d. The Transit Enforcement Unit's Training Policies and Program.
2. Request that TTC staff report back in Q4 2020, through the Ombudsman Toronto Enquiry Report Review update reports, on an approach to fare evasion that balances transit equity with approaches to addressing lost revenue, considering approaches such as:
 - a. a warning-based system;
 - b. practices and policies allowing for greater discretion to address the diversity and inclusion implications of fare enforcement;
 - c. a sliding scale of fines with increasing penalties for offences over time;
 - d. a sliding scale of fines based on different types of offences such as elevated fines for customers in fraudulent use of Child Fare PRESTO passes; and
 - e. increased enforcement visibility as a strategy to incentivize fare compliance.

Approved

18. Notice of Motion – PRESTO Arbitration Process

It is recommended that the TTC Board:

1. Adopt the recommendations set out in the Confidential Attachment; and
2. Authorize that the information contained in the Confidential Attachment remain confidential in its entirety as it contains information that is subject to solicitor-client privilege.

Approved

19. New Business – Streetcar and Track Noise at the Intersection of King Street East and Sumach Street

Vice-Chair Heisey moved the following motion:

It is recommended:

1. That the Board refer this item to staff to report back to the June 17, 2020 meeting.

The motion by Vice-Chair Heisey carried.

Correspondence submitted by: Kathy Broderick, Tim Wharnsby and Meredith Mednick.

The meeting adjourned at 6:59 p.m.