



Minutes

Toronto Transit Commission Board

Meeting No.: 2083

Meeting Date: Thursday, April 11, 2024

A meeting of the TTC Board was held in Committee Room 2, City Hall, 100 Queen Street West, and by video conference on Thursday, April 11, 2024 commencing at 10:04 a.m. The meeting recessed at 12:42 p.m. and reconvened at 1:38 p.m. The meeting recessed at 1:40 p.m. to sit as the Committee of the Whole. The Board reconvened the public session at 2:56 p.m.

Present at Committee of the Whole

Commissioners:

J. Myers (Chair), J. De Laurentiis (Vice-Chair), S. Holyday, F. Jagdeo, J. Matlow, J. Osborne and D. Saxe

Staff:

R. Leary, M. Atlas, J. La Vita, B. Macgregor, S. Naraine and C. Finnerty were present. C. Alexander (Mayor's Office) was also present.

Present for Item 10: K. Campbell, G. Downie, B. Hasserjian, F. Monaco, N. Poole-Moffatt, W. Reuter, J. Taylor, R. Wong, M. Hopkins, L. Soto Maya and J. Ishak.

D. Jain (Chair's Office) was also present.

J. Myers was in the Chair.

Present at Public Session

Commissioners:

J. Myers (Chair), J. De Laurentiis (Vice-Chair), F. Jagdeo, S. Holyday, J. Matlow, C. Moise, J. Osborne, and D. Saxe

Staff:

R. Leary (Chief Executive Officer), M. Atlas (General Counsel), K. Campbell (Chief Diversity and Culture Officer), G. Downie (Chief Capital Officer), B. Hasserjian (Chief Safety Officer), J. La Vita (Chief Financial Officer), B. Macgregor (Deputy CEO), F. Monaco (Chief Operations and Infrastructure Officer), S. Naraine (Chief People Officer), N. Poole-Moffatt (Chief of Corporate Affairs), W. Reuter (Chief Strategy and Customer Officer)

(Acting)), J. Taylor (Special Advisor, CEO's Office), R. Wong (Chief Transportation and Vehicles Officer), B. Case (Executive Director - Innovation and Sustainability), A. Gibson (Executive Director - Fare Technology and System Stewardship), X. Chen (Manager - Corporate Deliverables), J. Dimovski (Chief Project Manager - Construction), N. Ehlers (Head - Special Constable Service (Acting)), S. Green (Senior Communications Specialist), M. Hopkins (Executive Director - Human Resources), L. Lui (Head - Service Planning & Scheduling (Acting)), J. Montagnese (Executive Director - Finance), C. Finnerty (Director - Commission Services), L. Soto Maya (Coordinator - Secretariat Services) and J. Ishak (Administrator - Secretariat Services) were present.

K. Addo (Toronto Ombudsman), C. Alexander (Mayor's Office), D. Jain (Chair's Office), S. Arnold (Gannett Fleming), R. Evans (Network Rail Consulting), and P. Tanguay (Systra) were also present.

J. Myers was in the Chair from 10:04 a.m. to 4:15 p.m. and 4:25 p.m. to 6:00 p.m.

J. De Laurentiis was in the Chair from 4:15 to 4:25 p.m.

Land Acknowledgement

Chair Myers acknowledged that the TTC Board was meeting on the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples. Chair Myers also acknowledged that Toronto is covered by Treaty 13 with the Mississaugas of the Credit.

Declaration of Interest – Municipal Conflict of Interest Act

Nil

Minutes of the Previous Meeting

Commissioner Matlow moved that the TTC Board approve the Minutes of Meeting No. 2081 held on Thursday, February 22, 2024, and Meeting No. 2083 held on Tuesday, April 2, 2024.

The motion by Commissioner Matlow carried.

Committee of the Whole

Commissioner Saxe moved the following motion:

That the TTC Board recess and sit as the Committee of the Whole to consider the following confidential items:

Information about labour relations or employee negotiations

10. TTC and IAMAW Lodge 235 - Collective Agreement Ratification
11. Non-Union Staff Compensation Review

The motion by Commissioner Saxe carried.

Public Presentations

Item No. 4. Policies to Support the Revenue Protection and Special Constable Service Culture Change Program (Deferred from the December 7, 2023 TTC Board Meeting) & Supplementary Report – Policies to Support the Revenue Protection and Special Constable Service Culture Change Program

Adam Roy Cohoon

Terri-Lynn Langdon

Diana Chan McNally, All Saints Toronto

Jonathan Van Etten

Michelle Cieloszczyk

Elton Campbell

Shelagh Pizey-Allen

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

Item No. 8. Line 3 SRT Incident Investigation and Subway Track Continuous Improvement Initiatives

Marvin Alfred, Amalgamated Transit Union Local 113

Ian Fellows, Legal Counsel, UPFH LLC

Shelagh Pizey-Allen

Chloe Tangpongprush

The Board received the deputations for information (See Item No. 8 for minute)

Item No. 13. Easier Access Phase III - Project Status Update April 2024

Adam Roy Cohoon

The Board received the deputation for information (See Item No. 13 for minute)

Item No. 17. Making Electronic Participation for the TTC Permanent – Update

Adam Roy Cohoon

The Board received the deputation for information (See Item No. 17 for minute)

Item No. 19. City Council Transmittal – EX11.8 RapidTO: Surface Transit Network Plan
Alan Yule

The Board received the deputation for information (See Item No. 19 for minute)

Presentations/Reports/Other Business

1. Administrative Inquiry - Missing video archive of the February 22, 2024 Toronto Commission Board Meeting

Commissioner Saxe moved a motion to receive the administrative inquiry.

The motion by Commissioner Saxe carried.

Received

2. Administrative Inquiry - Service changes in the event of winter weather and the closing of fifty-six bus stops on March 22nd, 2024

Commissioner Jagdeo moved a motion to receive the administrative inquiry.

The motion by Commissioner Jagdeo carried.

Received

3. Chief Executive Officer's Report – April 2024

R. Leary, Chief Executive Officer, delivered a verbal presentation on this item.

The TTC Board and TTC staff acknowledged Amoy Wynter, Diversity Consultant, for receiving a 2024 Black Business Professional Association Harry Jerome Award for Innovation.

Commissioner Saxe moved a motion to receive the Chief Executive Officer's Report – April 2024.

The motion by Commissioner Saxe carried.

Received

4. Policies to Support the Revenue Protection and Special Constable Service Culture Change Program (Deferred from the December 7, 2023 TTC Board Meeting)

- a. Supplementary Report – Policies to Support the Revenue Protection and Special Constable Service Culture Change Program

Angela Gibson, Executive Director – Fare Technology and System Stewardship, and Keisha Campbell, Chief Diversity and Culture Officer, delivered a verbal presentation on this item.

Kwame Addo, Toronto Ombudsman, responded to questions of the TTC Board.

Commissioner Matlow moved the following motion:

The TTC Board requests the TTC CEO to:

- a. Ensure there is publicly advertised community consultation on the implementation of the Use of Force Policy, including opportunities for racialized and underhoused Torontonians, and other riders from communities that have been disproportionately impacted by societal enforcement activities, to obtain personal accounts.
- b. Incorporate identity-based data collection on Use of Force encounters as part of the TTC's Anti-Racism framework.
- c. Provide annual reports to the TTC Board based on information collected in recommendations a. and b.

Commissioner Matlow requested a recorded vote.

In favour: J. De Laurentiis, S. Holyday, F. Jagdeo J. Matlow, J. Myers,

Opposed: J. Osborne D. Saxe

Absent: P. Ainslie, C. Moise

The motion to amend carried on a vote of 5 to 2.

Amended

Commissioner Holyday moved the following motion:

That the Use of Discretion Policy be amended as follows:

1.0 INTRODUCTION AND POLICY STATEMENT

- 1.2 Any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor must apply training, which includes ~~including~~ a Racial and Social Equity Approach, when using Discretion towards the delivery of their duties.

7.0 APPLICATION

- 7.2 The following examples include, but are not limited to, factors that Special Constables, Fare Inspectors, Protective Service Guards and Supervisors shall be trained to consider when using Discretion:

The motion by Commissioner Holyday carried

Chair Myers moved the following motion:

Amend Recommendation 5 so that it now reads:

1. Approve the amended Use of Discretion policy, attached as Appendix 10 and request that staff report back to the TTC Board by the end of Q4 on whether the scope of the policy should be expanded to all personnel in customer-facing operations.

Adopt the following new Recommendations:

2. The TTC Board requests that a Joint Working Group composed of an equal number of members from CUPE 5089 and the TTC's People Group be established; and
3. That the Joint Working Group report quarterly to the Human Resources Committee on the implementation of and any issues emerging from the implementation of the Use of Force and the Use of Discretion policies.

The motion by Chair Myers carried.

Chair Myers moved to adopt the item, as amended, as follows:

It is recommended that the TTC Board:

1. Receive the December 7, 2023 report entitled "Policies to Support the Revenue Protection and Special Constable Culture Change Program".
2. Approve the Body-worn Camera and Special Constable In-Car Camera System policy, attached as Appendix 8.
3. Endorse a nine-month Body-worn Camera and Special Constable In-Car Camera System pilot beginning in Q2 2024.
4. Approve the amended Use of Force policy, attached as Appendix 9.
5. Approve the amended Use of Discretion policy, attached as Appendix 10 and request that staff report back to the TTC Board by the end of Q4 on whether the scope of the policy should be expanded to all personnel in customer-facing operations.
6. That the Use of Discretion Policy be amended as follows:

1.0 INTRODUCTION AND POLICY STATEMENT

- 1.2 Any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor must apply training, which includes ~~including~~ a Racial and Social Equity Approach, when using Discretion towards the delivery of their duties.

7.0 APPLICATION

7.2 The following examples include, but are not limited to, factors that Special Constables, Fare Inspectors, Protective Service Guards and Supervisors shall be trained to consider when using Discretion:

7. The TTC Board requests the TTC CEO to:
 - a. Ensure there is publicly advertised community consultation on the implementation of the Use of Force Policy, including opportunities for racialized and underhoused Torontonians, and other riders from communities that have been disproportionately impacted by societal enforcement activities, to obtain personal accounts.
 - b. Incorporate identity-based data collection on Use of Force encounters as part of the TTC's Anti-Racism framework.
 - c. Provide annual reports to the TTC Board based on information collected in recommendations a. and b.
8. The TTC Board requests that a Joint Working Group composed of an equal number of members from CUPE 5089 and the TTC's People Group be established; and
9. That the Joint Working Group report quarterly to the Human Resources Committee on the implementation of and any issues emerging from the implementation of the Use of Force and the Use of Discretion policies.

The motion by Chair Myers carried.

Amended

Correspondence submitted by: S. Spadafora, S. Hoad, A.E., I. Sakhawat, A. Wang, A. Aminu, M. Ravenscroft, S. Swartz, Y. Saravanabavan, K. Harris, A. Varsava, J. Singh, C. Pietropaolo, A. Memon, J. Wakarchuk, C. Valeriote, M. Lijiam, Z. Bregu, F. Mendell, V. Michaud, C. McNeil, M. Humeniuk, K. Bligh, E. Nemanishen, M. Fang, E. Ma, M. Klak, L. Freitas Sant, A. Shulman, L. Abelsohn, P. Frampton, I. Paredes, S. Gorfinkel, L. Gennuso, J. Horne, D. DeVito, E. Marinangeli, E. Brandy, H. Enns, D. Venchiarutti, J. Arsenault, C. Tosio, Z. Red, S. Sun, A. Pundzius, J. Sandham, A. Kollenberg, L. Vayid, V. Masilo, A. Bezbor, J. Schwartz, A. Heule, M. Wiznuk, C. London, J. Harris, R. Slomkowski, E. Connor, C. Mcannn, A. Bennett, R. Spurr, S. Co, D. Campbell

5. Diversity and Culture 2023 Annual Report - Equity, Diversity, Inclusion and Accessibility (EDIA): Progress Through Systemic Change

Commissioner Saxe moved to the following motion:

That the following motion be referred to the Human Resources Committee:

Direct TTC staff to schedule mandatory annual training sessions starting in Q3 2024, including but not limited to the following topics to ensure that the TTC Board effectively serves diverse communities and fosters inclusivity and equity:

- Confronting Anti-Black Racism
- Indigenous Cultural Competency

Commissioner Moise requested a recorded vote.

In favour: J. De Laurentiis, F. Jagdeo, S. Holyday, J. Matlow, J. Myers, J. Osborne, D. Saxe

Opposed: C. Moise

Absent: P. Ainslie

The motion to amend carried on a vote of 7 to 1.

Amended

Chair Myers moved to adopt the item as amended, as follows:

It is recommended that the TTC Board:

1. Receive the report for information.
2. Direct staff to forward this report to the City of Toronto's Confronting Anti-Black Racism Unit, the Indigenous Affairs Office of the City of Toronto, and Ombudsman Toronto for information.

That the following motion be referred to the Human Resources Committee:

Direct TTC staff to schedule mandatory annual training sessions starting in Q3 2024, including but not limited to the following topics to ensure that the TTC Board effectively serves diverse communities and fosters inclusivity and equity:

- Confronting Anti-Black Racism
- Indigenous Cultural Competency

The motion by Chair Myers carried.

Amended

6. TTC Special Constable Service 2023 Annual Report

Commissioner Osborne moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

1. Approve the transmittal of the attached Appendix 1 – Special Constable Service 2023 Annual Report to the Toronto Police Services Board as per Section 8.9 of the Special Constable Agreement between the Toronto Police Services Board and the TTC.

The motion by Commissioner Osborne carried.

Approved

7. 2024 TTC Asset Management Plan

Commissioner Jagdeo moved the following motion:

That the TTC Board request the International Association of Public Transport (UITP) to conduct a peer-review of the TTC's subway and streetcar assets and maintenance programs, with the proposed scope of the peer review to be confirmed at the next meeting of the Audit & Risk Management Committee.

The motion by Commissioner Jagdeo carried.

Chair Myers moved to adopt the item as amended, as follows:

It is recommended that the TTC Board:

1. Approve the attached 2024 Asset Management Plan.
2. Forward the TTC's 2024 Asset Management Plan to the City Manager of the City of Toronto for submission and incorporation into the City's Asset Management Plan.
3. That the TTC Board request the International Association of Public Transport (UITP) to conduct a peer-review of the TTC's subway and streetcar assets and maintenance programs, with the proposed scope of the peer review to be confirmed at the next meeting of the Audit & Risk Management Committee.

The motion by Chair Myers carried.

Amended

8. Line 3 SRT Incident Investigation and Subway Track Continuous Improvement Initiatives

Rick Leary, Chief Executive Officer, provided introductory remarks on this item.

Fort Monaco, Chief Operations and Infrastructure Officer, Betty Hasserjian, Chief Safety Officer, and Xuanyi Chen, Manager - Corporate Deliverables, delivered a presentation on SRT Incident Review and Subway Track Modernization.

Commissioner Matlow moved the following motion:

The TTC Board requests that the City of Toronto's Auditor General conduct an investigation into the systemic causes of the July 24, 2023 Scarborough Rapid Transit (SRT) derailment, with the scope of the investigation to include review of maintenance records, record keeping and third-party investigative reports.

The motion by Commissioner Matlow carried.

Chair Myers moved to adopt the item as amended, as follows:

1. Receive this report for information; and
2. The TTC Board requests that the City of Toronto's Auditor General conduct an investigation into the systemic causes of the July 24, 2023 Scarborough Rapid Transit (SRT) derailment, with the scope of the investigation to include review of maintenance records, record keeping and third-party investigative reports.

The motion by Chair Myers carried.

Amended

9. TTC's Draft Innovation and Sustainability Framework

Chair Myers moved the following motion:

That this item be referred to the Audit and Risk Management Committee for consideration.

The motion by Chair Myers carried.

Referred

10. TTC and IAMAW Lodge 235 - Collective Agreement Ratification

Commissioner Osborne moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

- 1. Adopt the recommendations as set out in the Confidential Attachment; and
- 2. Authorize that the information set out in the Confidential Attachment be released upon the ratification of the tentative agreement by both the TTC and the IAMAW Lodge 235.

The motion by Commissioner Osborne carried.

Approved

11. Non-Union Staff Compensation Review

Chair Myers moved the following motion:

That recommendation 2 be amended to authorize the public release of the confidential recommendations, as set out below.

It is recommended that the TTC Board:

- 1. Adopt and implement a compensation strategy and philosophy consistent with that approved by City Council on July 19 and 20, 2023 (see Attachment 1).
- 2. Adopt the recommendations as set out in the Confidential Attachment and authorize that the information contained in the attachment, with exception of **the recommendations Recommendation 1**, remain confidential in its entirety, as it relates to labour relations and employee negotiations.

The motion by Chair Myers carried.

Amended

12. Financial and Major Projects Update for the Year Ended December 31, 2023

Commissioner Jagdeo moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

- 1. Approve the 2023 Capital Budget in-year budget adjustments to offset projects that have had accelerated spending by \$24.8 million with projects that have experienced Financial and Major Projects Update for the Period Ended December 31, 2023 Page 2 of 36 delays and lower spending by \$24.8 million with no debt impact, as outlined in Appendix 3 of this report.

2. Authorize the recommended budget adjustments noted in Recommendation 1 above and the TTC's 2023-2033 Capital Budget and Plan to be included in the TTC's Capital Variance Report submission for the 12 months ended December 31, 2023, for City Council consideration and approval.
3. Authorize TTC staff to request the City allocate \$10 million of the 2023 underspending to the TTC Stabilization Reserve, pending the City's review of their final year-end results, to ensure the Reserve's continued positive financial position given the City's recommended use of the Reserve as bridge funding for the 2024 and 2025 Operating Budgets.

The motion by Commissioner Jagdeo carried.

Approved

13. Easier Access Phase III - Project Status Update April 2024

Commissioner Jagdeo moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

1. Receive the current EAIII Program Schedule, noting the acceleration efforts presently underway, and that staff continue to seek opportunities for schedule improvements.

The motion by Commissioner Jagdeo carried.

Approved

14. Approval of Public Art Concepts for the Bay, Castle Frank, Christie, Donlands and Lansdowne Stations

Commissioner Holyday moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

1. Approve the public art concepts for the following projects:
 - Bay Station Easier Access: "Confluence" by Francisco-Fernando Granados;
 - Castle Frank Station Easier Access: "Earth Runs Wild" by Vivian Rosas;
 - Christie Station Easier Access: "Rise Together" by Sanaz Mazinani;
 - Donlands Station Second Exit and Easier Access: "Field" by April Hickox;
 - Lansdowne Station Easier Access: "Shifting Beauty" by Steven Beckly.

The motion by Commissioner Holyday carried.

Approved

15. Procurement Authorization – Subway Track Rail Milling Services

Chair Myers moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

- 1. Authorize the award of a contract for subway track rail milling services for a period of three years commencing on August 24, 2024, with extension options for up to two additional, one-year terms, to Rhomberg Sersa, in the total upset limit amount of \$11,990,000, including applicable taxes on the basis of the lowest bid price. Procurement Authorization – Subway Track Rail Milling Services.
- 2. Delegate authority to the TTC’s Chief Executive Officer to execute the first one-year term extension option valued at \$4,076,600, inclusive of HST, and the second oneyear term extension option valued at \$4,076,600, inclusive of HST, for a total contract value of \$20,143,200.

The motion by Chair Myers carried.

Approved

16. Birchmount Bus Garage – Bus Washracks Upgrade and Anti-Slip Flooring in Fuelling Lanes Area

Commissioner Osborne moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

- 1. Authorize the award of Contract E3-42 Birchmount Bus Garage – Bus Washracks Upgrade and Anti-Slip Flooring in Fuelling Lanes Area to Brook Restoration Ltd. in the amount of \$6,663,709.44, inclusive of HST, on the basis of the lowest total compliant bid price.

The motion by Commissioner Osborne carried.

Approved

17. Making Electronic Participation for the TTC Permanent – Update

Chair Myers to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

- 1. Amend the Toronto Transit Commission By-law to Govern Board Proceedings to permit electronic participation in all meetings and provide that:
 - a. Any member participating in the meeting electronically is to be deemed present for the purposes of determining whether a quorum is present under Section 23 and for the purposes of voting on any matter put to a vote under Section 25 and for all other purposes; and

- b. Any member participating in the meeting electronically is entitled to participate in any portion of the meeting closed to the public in accordance with Section 29.
2. Repeal Section 22.1 – Electronic Participation of the Toronto Transit Commission By-law to Govern Proceedings.
 3. Subject to the approval of Recommendation 1, and despite any procedural rules permitting electronic participation, encourage TTC Board Members to attend meetings in person except where there is a rationale to participate electronically.

The motion by Chair Myers carried.

Approved

18. Appointment to TTC Pension Plan Board of Directors

Commissioner Jagdeo moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

1. Appoint Shakira Naraine, TTC Chief People Officer, as a Director on the TTC Pension Plan Board of Directors.

The motion by Commissioner Jagdeo carried.

Approved

19. City Council Transmittal – EX11.8 RapidTO: Surface Transit Network Plan

Chair Myers moved the following motion to amend:

2. That the TTC Board direct staff to consider the implementation of transit priority measures on the Dufferin Route 29 bus route, and that TTC staff report back, in consultation with the General Manager, Transportation Services, City of Toronto, with a plan for advancing the implementation of RapidTO on Dufferin Street.

Withdrawn

Chair Myers moved to adopt the report recommendations, as follows:

1. City Council request the Toronto Transit Commission Board to consider the following immediate steps to alleviate overcrowding, improved service and upgraded buses on Dufferin Route 29 bus route, while Transportation Services undertakes its RapidTO Surface Transit Network Plan:
 - a. include the use of more articulated buses;
 - b. increase frequency of service;

- c. deployment of Toronto Transit Commission personnel to deal with overcrowding and congestion; and
- d. any other immediate actions that may improve service and conditions for the long suffering Dufferin Route 29 bus passengers.

The motion by Chair Myers carried.

Approved

20. City Council Transmittal – CC15.1 Budget Implementation Including Property Tax Rates, User Fees and Related Matters

Commissioner Osborne moved to adopt the report recommendations, as follows:

1. City Council request the Toronto Transit Commission Board to find opportunities for further savings through the 2025 Budget process, including but not limited to:
 - a. implementation of the Auditor General's recommendations on fare evasion; and/or
 - b. further efficiencies and cost reductions that do not impact safety or service.

The motion by Commissioner Osborne carried.

Approved

On a motion by Commissioner Holyday, the meeting adjourned at 6:00 p.m.