



## Minutes

### Toronto Transit Commission Board

**Meeting No.:** 2091

**Meeting Date:** Tuesday, September 24, 2024

A meeting of the TTC Board was held in Committee Room 2, City Hall, 100 Queen Street West, and by video conference on September 24, 2024, commencing at 10:00 a.m. The meeting recessed at 11:03 a.m. to meet as the Committee of the Whole. The Board reconvened in public session at 12:39 p.m. The meeting recessed at 1:01 p.m. and reconvened at 2:00 p.m.

#### **Present at Committee of the Whole**

Commissioners:

J. Myers (Chair), J. De Laurentiis (Vice-Chair), P. Ainslie, S. Holyday, L. Kim, J. Matlow, C. Moise, J. Osborne, and D. Saxe.

C. Alexander (Mayor's Office) was also present.

Staff for Item 5

G. Percy, M. Atlas, G. Downie, B. Hasserjian, J. La Vita, B. Macgregor, F. Monaco, S. Naraine, N. Poole-Moffatt, R. Wong, D. Shanmuganayagam, K. Thorburn, R. Wojteczko, B. Case, M. Mis, Y. He, R. Park, C. Finnerty, and L. Soto Maya.

Staff for Item 19

G. Percy, M. Atlas, S. Naraine, and C. Finnerty.

#### **Present at Public Session**

Commissioners: J. Myers (Chair), J. De Laurentiis (Vice-Chair), P. Ainslie, S. Holyday, L. Kim, J. Matlow, C. Moise, J. Osborne, and D. Saxe

Staff: G. Percy (Interim Chief Executive Officer), M. Atlas (General Counsel), J. Colle (Chief Strategy and Customer 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 and Culture Officer), N. Poole-Moffatt (Chief of Corporate Affairs), D. Shanmuganayagam (Chief Information Officer), R. Wong (Chief Transportation and Vehicles Officer), B. Case (Executive Director - Innovation and Sustainability), L. Lui (Head, Service Planning & Scheduling), D. Metcalfe

(Head, Business Management & Performance), M. Mis (Head, Strategy and Foresight), J. Montagnese (Executive Director, Finance), N. Ortenburg (Head, Marketing and Customer Experience), C. Penman (Head, Wheel-Trans), W. Reuter (Head, Research & Analytics), K. Thorburn (Executive Director - Corporate Initiatives), S. Green (Senior Communications Specialist), N. Kandiah (Manager, Fare Policy and Planning), R. Wojteczko (Director, Procurement), C. Finnerty (Director - Commission Services), and L. Soto Maya (Coordinator - Secretariat Services) were present.

C. Alexander (Mayor's Office) and A. Dressler (ACAT Chair) were also present.

J. Myers was in the Chair.

### **Land Acknowledgement**

C. Finnerty 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, and 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 Ainslie moved that the TTC Board approve the Minutes of Meeting No. 2088 held on Wednesday, July 17, 2024, Special Meeting No. 2089 held on Wednesday, August 28, 2024, and Special Meeting No. 2090 held on Friday, September 6, 2024.

The motion by Commissioner Ainslie carried.

### **Committee of the Whole**

Chair Myers moved the following motion:

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

5. Line 2 Modernization – Next Steps on New Subway Train Procurement and Automatic Train Control (Confidential Attachment – this report contains a position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board)

19. Advice from External Counsel (Confidential Attachment – this report contains advice or communications that are subject to solicitor-client privilege, including communications necessary for that purpose and personal matters about an identifiable individual, including city or local board employees)

The motion by Chair Myers carried.

### **Public Presentations**

The Board received the following deputations for information:

Item No. 4 - Fare Compliance Action Plan: Response to Member Motions

Alan Yule

August Puranauth, TTC Riders

Item No. 5 - Line 2 Modernization – Next Steps on New Subway Train Procurement and Automatic Train Control

Alan Yule

Item No. 14 - Recruitment of a Permanent Chief Executive Officer

Maryna Butenko

Shelagh Pizey-Allen

Item No. 15 - Notice of Motion – Automated Streetcar Cameras – by Commissioner Josh Matlow, seconded by Commissioner Chris Moise

Alan Yule

Lee Scott

Item No. 16 - Notice of Motion – Advancing Automated Streetcar Enforcement to Address Urgent Safety Concerns – by Commissioner Dianne Saxe, seconded by Chair Jamaal Myers

Myers

Vincent Puhakka

Item No. 17 - Notice of Motion – Misleading Fossil Fuel Advertisements on TTC – by Commissioner Dianne Saxe, seconded by Commissioner Paul Ainslie

Anne Keary

Item No. 18 - Notice of Motion – Continuing Free Wi-Fi Service – by Commissioner Josh Matlow, seconded by Chair Jamaal Myers

Elton Campbell, TTC Riders

## Order of Business

Chair Myers moved a motion to alter the Order of Business:

That the Committee of the Whole (Closed Session) be timed for 11 a.m.; and

That Item 15 - Notice of Motion – Automated Streetcar Cameras – by Commissioner Josh Matlow, seconded by Commissioner Chris Moise and Item 16 - Notice of Motion – Advancing Automated Streetcar Enforcement to Address Urgent Safety Concerns – by Commissioner Dianne Saxe, seconded by Chair Jamaal Myers be considered together.

The motion by Chair Myers carried.

## Presentations/Reports/Other Business

### 1. Chief Executives Officer's Report – September 2024

G. Percy, Interim Chief Executive Officer, delivered a verbal presentation, and along with the TTC Board and TTC staff acknowledged the following employees:

- Mount Dennis Operator David Boodram for helping locate a missing child; and
- Dainora Gadisauskas for 50 years of service with the TTC.

J. La Vita, Chief Financial Officer, and L. Lui, Head - Service Planning & Scheduling, delivered a presentation on 2025 Budget Update.

F. Monaco, Chief Operations and Infrastructure Officer, delivered a presentation on Subway Restricted Speed Zones.

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

The motion by Commissioner Saxe carried.

Received

### 2. Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meetings for June 27 and July 25, 2024

A. Dressler, ACAT Chair, delivered a verbal presentation on this item.

Vice-Chair De Laurentiis moved receipt of the Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meetings for June 27 and July 25, 2024.

The motion by Vice-Chair De Laurentiis carried.

Received

### 3. Innovation and Sustainability Strategy

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

It is recommended that the TTC Board:

1. Approve the TTC's Innovation and Sustainability Strategy.

The motion by Commissioner Osborne carried.

Approved

### 4. Fare Compliance Action Plan: Response to Member Motions

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

It is recommended that the TTC Board:

1. Receive this report for information.

The motion by Commissioner Matlow carried.

Approved

### 5. Line 2 Modernization – Next Steps on New Subway Train Procurement and Automatic Train Control

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

That the TTC Board:

1. Delegate authority to the Chief Executive Officer to execute any transfer payment and/or contribution agreements required with the Province of Ontario and the Government of Canada to receive funding for new subway trains subject to terms and conditions satisfactory to the TTC's General Counsel.
2. Direct the Chief Executive Officer to issue a Request for Proposals (RFP) for a new subway train procurement upon confirmation of full funding availability, and subject to Confidential Attachment 1, for a base order of 70 trains total, which includes:
  - a. 55 replacement trains for Line 2;
  - b. 15 expansion trains for the Yonge North Subway Extension and Scarborough Subway Extension to be fully funded by the Province of Ontario; and

- c. Options within the RFP to procure up to 42 future growth trains required for Line 1 and Line 2 to be exercised at a future date subject to additional funding being secured.
3. Direct the Chief Executive Officer to issue a Request for Proposals for the delivery of Automatic Train Control (ATC) on Line 2, subject to Confidential Attachment 2, and conditional on the approval and execution of Recommendation 2 above.
4. Authorize that the information contained in Confidential Attachments 1 and 2 be released publicly upon the issuance of final contracts as set out in Recommendations 2 and 3 above.
5. Forward this report to the City of Toronto, Housing, Infrastructure and Communities Canada, Ontario Ministry of Transportation and Metrolinx for information.

The motion by Commissioner Holyday carried.

Approved

6. Easier Access Design Services Contracts – WSP Canada Group Limited and AECOM Canada Ltd. – Procurement Amendment Authorization

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

It is recommended that the TTC Board:

1. Authorize a contract amendment to extend the current expiry date of July 31, 2027, to December 31, 2029, for the easier access design services contract with WSP Canada Group Limited;
2. Authorize a contract amendment to extend the current expiry date of April 11, 2026, to March 31, 2029, for the easier access design services contract with AECOM Canada Ltd.;
3. Approve the recommendations contained in Confidential Attachments 1 and 2 and authorize the information in Confidential Attachments 1 and 2 to remain confidential until the costs for the design services with each design consultant have been finalized.

The motion by Commissioner Ainslie carried.

Approved

7. Financial and Major Projects Update for the Period Ended June 29, 2024

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

It is recommended that the TTC Board:

1. Approve the 2024 Capital Budget in-year budget adjustments to offset projects that have had accelerated spending by \$20.2 million with projects that have experienced delays and lower spending by \$20.2 million with no debt impact, as outlined in Appendix 3 of this report.
2. Authorize the recommended budget adjustments to the TTC's 2024-2033 Capital Budget and Plan in Recommendation 1 above to be included in the TTC's Capital Variance Report submission to the City of Toronto for the six months ended June 29, 2024, for City Council consideration and approval.

The motion by Commissioner Osborne carried.

Approved

8. Procurement Authorization – Hillcrest Streetcar Maintenance and Storage Facility

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

It is recommended that the TTC Board:

1. Authorize the award of Contract M1-125 – Hillcrest Streetcar Maintenance and Storage Facility to Sanscon Construction Ltd. in the amount of \$65,096,334.86, inclusive of HST, on the basis of the lowest total compliant bid price.
2. Approve the recommendation contained in the Confidential Attachment 1 and authorize that the information in the Confidential Attachment remains confidential as it contains information about a trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value.

The motion by Commissioner Osborne carried.

Approved

9. Procurement Authorization – Enterprise Asset Management (EAM) System Implementation Services

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

It is recommended that the TTC Board:

1. Authorize the award of a contract for Enterprise Asset Management System Implementation Services to Infosys Public Services in the amount of \$12.28 million, inclusive of HST, for a three-year initial term, with three optional, one-year extension terms to be exercised at the TTC's sole discretion.

The motion by Commissioner Osborne carried.

Approved

10. Procurement Authorization for TTC All Risks Property Insurance Renewal

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

It is recommended that the TTC Board:

1. Authorize the purchase order in the amount of \$9.137 million (inclusive of 8% Provincial Sales Tax) to Marsh Canada Limited (Marsh), as the TTC's broker of record for the renewal of the 2024 annual All Risks Property insurance policy premium, inclusive of an increase in limits of liability of an additional \$100 million for a total of \$900 million, for a one-year term from October 1, 2024 to September 30, 2025.

The motion by Commissioner Ainslie carried.

Approved

11. Procurement Authorization - Supply of Genuine Cummins Bus Engines and Parts

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

It is recommended that the TTC Board:

1. Authorize the contract award to City View Bus Sales and Service Ltd. for a two-year period commencing approximately September 27, 2024, in the total upset limit amount of \$7,175,000 CAD, inclusive of HST, for the supply of eight different types of genuine OEM Cummins engines used in TTC's buses on the basis of the only compliant bid received.
2. Delegate authority to the TTC's Chief Executive Officer to exercise the extension option in the Cummins engines contract, after the initial two-year term, for a period of up to 12 months and to increase the value of the contract in the total amount of up to \$3,859,063.58 CAD, inclusive of HST, for a total contract value of up to \$11,034,063.58 CAD, inclusive of HST, for Cummins bus engines.



3. Authorize the award of contracts for the supply of 525 different Cummins bus engine parts for a two-year period commencing January 1, 2025, for a total combined upset limit award amount of \$30,264,000 CAD, inclusive of HST, to the following nine companies, on the basis of the lowest-priced compliant bids received:
  - i. Brandt Tractor Ltd. Truck & Trailer for the supply of 225 parts in the total upset limit amount of \$20,476,800 CAD;
  - ii. Rush Truck Centers of Canada Limited for the supply of 59 parts in the total upset limit amount of \$4,098,000 CAD;
  - iii. CBM N.A. Inc. for the supply of 42 parts in the total upset limit amount of \$3,123,000 CAD;
  - iv. Falcon Eyes Logistics Inc. for the supply of 176 parts in the total upset limit amount of \$1,400,800 USD (equivalent to \$1,925,100 CAD);
  - v. Ashcon International Inc. for the supply of four parts in the total upset limit amount of \$232,000 USD (equivalent to \$318,800 CAD);
  - vi. 7314957 Canada Inc. dba Prestige Peterbilt for the supply of 14 parts in the total upset limit amount of \$225,600 CAD;
  - vii. Tokmakjian Inc. dba TOK Performance for the supply of three parts in the total upset limit amount of \$88,400 CAD;
  - viii. Wajax Limited for the supply of one part in the total upset limit amount of \$8,100 CAD; and
  - ix. Mississauga Bus, Coach & Truck Repairs Inc. for the supply of one part in the total upset limit amount of \$200 CAD.
4. Delegate authority to the TTC's Chief Executive Officer to exercise the extension option in the nine Cummins bus engine parts contracts after the initial two-year term, for a period of up to 12 months and to increase the values of these contracts in the total amount of \$16,276,098 CAD, inclusive of HST, for a total contract value of \$46,540,098 CAD, inclusive of HST, for Cummins bus parts.

The motion by Commissioner Osborne carried.

Approved

12. Approval of the Public Art Concept for Keele Station

Chair Myers moved the following motion:

That TTC staff review and report back to the TTC Board, by Q2 2025, on potential amendments to the Art in Public Transit Facilities policy that consider:

- a. Incorporating the local Councillor into the decision-making process for public art installations in transit facilities in their wards; and
- b. Delegating approval for public art installations to the Chief Capital Officer, or their designate.

The motion by Chair Myers carried.

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

It is recommended that the TTC Board:

That the TTC Board:

- 1. Approve the public art concept for Keele Station Easier Access: “*Transcendence*” by Jordan Sook in collaboration with George Foussias.
- 2. That TTC staff review and report back to the TTC Board, by Q2 2025, on potential amendments to the Art in Public Transit Facilities policy that consider:
  - a. Incorporating the local Councillor into the decision-making process for public art installations in transit facilities in their wards; and
  - b. Delegating approval for public art installations to the Chief Capital Officer, or their designate.

The motion by Chair Myers carried.

Amended

13. 2025 Schedule of Meetings

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

It is recommended that the TTC Board:

- 1. Approve the 2025 meeting dates for the TTC Board and Committees as follows:

TTC Board: Monday, January 27, Monday, February 24, Wednesday, April 16, Wednesday, May 14, Wednesday, June 18, Thursday, July 17, Wednesday, September 10, Monday, October 6, Monday, November 3, and Wednesday, December 10

Audit & Risk Management Committee: Thursday, February 13, Monday, June 9, Monday, September 22, and Monday, December 1

Human Resources Committee: Monday, January 20, Monday, April 7, Monday, June 30, and Monday, October 27

2. That the published schedule serves as notice for these meetings.

The motion by Commissioner Osborne carried.

Approved

#### 14. Recruitment of a Permanent Chief Executive Officer

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

That the TTC Board:

1. Delegate to the TTC Chair and Vice-Chair, the recruitment process for the Chief Executive Officer for the Toronto Transit Commission, including:
  - a. establishing a selection panel to consider candidates;
  - b. inviting participants to serve on the selection panel, including, but not limited to, the Mayor and City Manager;
  - c. consulting with the appropriate City and TTC Human Resources and Employment Law Officials; and
  - d. bringing forward the final recommended candidate to a meeting of the TTC Board for consideration and decision.

The motion by Commissioner Ainslie carried.

Approved

#### 15. Notice of Motion – Automated Streetcar Cameras – by Commissioner Josh Matlow, seconded by Commissioner Chris Moise

Chair Myers moved to adopt the recommendations, as follows:

That the TTC Board:

1. Approve automated ticketing enforcement for motorists that fail to stop for open streetcar doors, and report back to the October TTC Board meeting with implementation plan.

Chair Myers requested a recorded vote.

In favour: P. Ainslie, J. De Laurentiis, S. Holyday, L. Kim, J. Matlow, J. Myers, J. Osborne, D. Saxe

Opposed: None

Absent: C. Moise, F. Jagdeo

The motion by Chair Myers carried.

Approved

16. Notice of Motion – Advancing Automated Streetcar Enforcement to Address Urgent Safety Concerns – by Commissioner Dianne Saxe, seconded by Chair Jamaal Myers

Chair Myers moved to adopt the recommendations, as follows:

The TTC Board requests that:

1. TTC staff, in consultation with the relevant staff at the City of Toronto, report to the October 29 TTC Board meeting on the process underway for procuring and installing automated enforcement cameras on all streetcars under the *Moving Ontarians More Safely Act* and strategies to process all fines issued from automated enforcement cameras on streetcars.

Chair Myers requested a recorded vote.

In favour: P. Ainslie, J. De Laurentiis, S. Holyday, L. Kim, J. Matlow, J. Myers, J. Osborne, D. Saxe

Opposed: None

Absent: C. Moise, F. Jagdeo

The motion by Chair Myers carried unanimously.

Approved

17. Notice of Motion – Misleading Fossil Fuel Advertisements on TTC – by Commissioner Dianne Saxe, seconded by Commissioner Paul Ainslie

Chair Myers moved to adopt the recommendations, as follows:

That the TTC Board:

1. Request the TTC's contracted third party provider, Pattison Outdoor Advertising LP, forward any further fossil fuel advocacy advertising from the Pathways

Alliance or Canada Action (the “Advertiser”), to TTC for review in accordance with Article 6 of the TTC Advertising on TTC Property Policy (the “Policy”);

2. Request TTC staff to review any further fossil fuel advocacy advertising from the Advertiser, in accordance with the Policy, to determine whether the proposed advertisement complies with the requirements as set out in Article 8 of the Policy, including but not limited to whether the Advertiser’s claims have been substantiated in accordance with internationally recognized methodology as required by section 74.01 of the *Competition Act*, and are therefore scientifically justified in accordance with Paragraph 8 of the *Canadian Code of Advertising Standards*.
3. Direct TTC staff to propose revisions to the Policy that would decline fossil fuel advocacy advertising that is inconsistent with TransformTO, the TTC’s Net Zero commitments and report back by Q1 2025.

Chair Myers requested a recorded vote.

In favour: P. Ainslie, J. De Laurentiis, J. Matlow, J. Myers, D. Saxe

Opposed: S. Holyday, L. Kim, J. Osborne

Absent: C. Moise, F. Jagdeo

The motion by Chair Myers carried 5 to 3 in favour.

Approved

18. Notice of Motion – Continuing Free Wi-Fi Service – by Commissioner Josh Matlow, seconded by Chair Jamaal Myers

Chair Myers requested a recorded vote on each recommendation:

That the TTC Board:

1. Direct the Racial Equity Office to complete an equity impact review and report back in December, assessing potential impacts that termination of service may have on equity deserving groups such as youth, women, and low-income riders, and other identifiable demographic groups, with recommendations for impact mitigation.

In favour: P. Ainslie, J. Matlow, C. Moise, J. Myers

Opposed: J. De Laurentiis, S. Holyday, L. Kim, J. Osborne, D. Saxe

Absent: F. Jagdeo

Recommendation 1 lost 4 to 5.

2. Request the Interim CEO to report to the December meeting on the provision of free Wi-Fi on subway platforms that includes, but is not limited to, the following:
  - a. Contract requirements, if any, for Rogers to provide Wi-Fi services for internal use by TTC and/or Metrolinx;
  - b. Reasons for decline in Wi-Fi service experienced by riders in recent years including, if applicable, failure to provide critical system updates and commercial/advertising-related impediments to log ins;
  - c. Cost breakdown of the \$17 million figure cited as necessary for the long-term viability of free Wi-Fi including hardware and installation and provide a more cost-effective option for delivering the service.

In favour: P. Ainslie, J. Matlow, C. Moise, J. Myers

Opposed: J. De Laurentiis, S. Holyday, L. Kim, J. Osborne, D. Saxe

Absent: F. Jagdeo

Recommendation 2 lost 4 to 5.

3. Direct staff to report back in December with cost benefit analysis of a pilot for free Wi-Fi on bus and streetcar platforms and bays at stations given that public Wi-Fi is both a safety and accessibility issue.

In favour: P. Ainslie, J. Matlow, C. Moise, J. Myers, D. Saxe

Opposed: J. De Laurentiis, S. Holyday, L. Kim, J. Osborne

Absent: F. Jagdeo

Recommendation 3 carried 5 to 4 in favour.

Amended

## 19. Advice from External Counsel

Vice-Chair De Laurentiis moved to adopt the report recommendations, as follows:

It is recommended that the TTC Board:

1. Receive the advice provided in confidential session, noting that the information is to remain confidential as it is subject to solicitor-client privilege.

The motion by Vice-Chair De Laurentiis carried.

Adopted

On a motion by Commissioner Holyday the meeting adjourned at 5:18 p.m.