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YORK REGION TRANSIT
TRANSIT BY-LAW
ENFORCEMENT WITHIN THE CITY OF TORONTO

The Transit Committee recommends the adoption of the recommendations contained in the following report, October 22, 2007, from the General Manager, Transit:

1. RECOMMENDATIONS

It is recommended that:

1. The City of Toronto be requested to consent to the enforcement of By-law R-1415-2005-028 by York Region Transit enforcement staff within the jurisdictional boundary of the City of Toronto.
2. The Region enter into an agreement with the City of Toronto, if required, for the enforcement of the By-law, on terms satisfactory to the General Manager, Transit.
3. Regional staff be authorized to request the Toronto Police Services Board to appoint York Region's Special Constables as Special Constables within the City of Toronto.
4. The Region enter into an agreement with the Toronto Police Services Board governing the powers and duties of Special Constables within the boundaries of the City.
5. The Regional Chair and Regional Clerk be authorized to sign the agreements with the City of Toronto and the Toronto Police Services Board, respectively, subject to approval by Legal Services.
6. The Regional Solicitor review and amend the Transit By-law, if necessary, to ensure enforceability within the City.
7. The Regional Clerk forward this report to the City of Toronto and the Toronto Police Services Board for appropriate action.

2. PURPOSE

This report seeks authorization from Regional Council to obtain the consent of the City of Toronto for the enforcement of By-law No. R-1415-2005-028 within the boundary of the City of Toronto.

3. BACKGROUND

The Region's bus rapid transit service, Viva, operates on the premise that customers purchase their fares at fare equipment at the stations before boarding the Viva bus. This improves travel time and convenience by allowing the customers to board and exit the vehicle from all doors with no screening of the fare media by the driver. The off-board fare payment process is an honour system, commonly known as Proof-of-Payment, and is also being used on all GO rail services as well as on the TTC Queen street car line.

Regional Council, at its April 21, 2005, meeting, enacted By-law No. R-1415-2005-028, which regulates the payment of transit fares and the conduct of passengers on transit vehicles and in transit facilities in York Region. Regional Council also approved a Set Fines Schedule, which establishes the level of fines for violation of the By-law.

Enforcement of the Regional By-law governing transit has been conducted by York Region Transit (YRT) enforcement staff within York Region since the Viva service started in September 2005. YRT and Viva services extend into the City of Toronto along key corridors to several key transit facilities, including York University, GO Transit Finch subway terminal and the TTC Don Mills and Downsview subway stations.

YRT enforcement staff do not have authority at this time to enforce the Regional transit by-law in Toronto. When the enforcement section was launched, the Special Constables were under a Pilot Program with the Ministry of Community Safety and Correctional Services. It was decided that enforcement in a second jurisdiction (i.e. Toronto) would not be requested until the Pilot Program was evaluated and approved by the Ministry. The Special Constable Pilot Program is now complete and Ministry approval has been granted for a permanent program.

4. ANALYSIS AND OPTIONS

It would be beneficial for YRT enforcement staff to have the ability to enforce the Regional By-law in Toronto. If this authority was granted, YRT Special Constables and Fare Inspectors would be able to provide seamless enforcement to control fare evasion and passenger conduct on our buses.

Enforcement of a by-law beyond the municipal boundary requires the consent of the neighbouring municipality. Accordingly, the consent of Toronto Council is required. In the event that any restrictions are imposed, an agreement may be required setting out the conditions of the consent.

The consent will allow for the issuance of provincial offence tickets and summons, and identification of the court location if required. Fine payments of the By-law offence would be paid to the Region.

York Regional Police have been consulted regarding enforcement of the Regional By-law in Toronto and support this proposed change.

Once consent is obtained, YRT Fare Inspectors would be empowered to enforce the By-law in the City; however, Special Constables will require a specific appointment from the Toronto Police Services Board in order to perform their duties in Toronto. Accordingly, the Region will be required to make application to the Toronto Police Services Board for this appointment. The Toronto Board will also require an agreement with the Region setting out the terms under which the Special Constables may exercise their powers within City boundaries. The provisions of this agreement will be substantially similar to the current agreement between the Toronto Transit Commission (TTC) and the Regional Municipality of York Police Services Board, which provides for reciprocal privileges for TTC Special Constables in York Region.

It is unknown how long it will take to review and implement this authority. However, it is hopeful that this can be achieved during 2008.

Currently, GO Transit and the TTC enforce their respective powers governing both fare payment and conduct in relation to their services within the Regional Municipality of York.

4.1 Relationship to Vision 2026

The establishment of an enforcement section in co-operation with York Regional Police satisfies a number of Vision 2026 principles related to customer-centred services, partnerships and safety. This is achieved by providing front line staff members in direct contact with the public, the partnership with York Regional Police and an elevated level of security for our customers traveling on YRT/Viva.

5. FINANCIAL IMPLICATIONS

There will be no additional net operating costs to enforce Regional By-law R-1415-2005-028 within the City of Toronto boundaries. Reduced fare evasions in the City of Toronto should offset the costs to conduct fare inspections within that jurisdiction.

6. LOCAL MUNICIPAL IMPACT

The uniformed YRT Enforcement staff traveling on YRT/Viva improves customer security on the vehicles and at the stations.

7. CONCLUSION

Provisions for the enforcement of the By-law in Toronto would allow for fare enforcement coverage of the entire Viva bus rapid transit system. It will also allow for the full enforcement capabilities of the By-law in order to deal with conduct issues on Viva and YRT buses operating in the City of Toronto.

For more information on this report, contact Angelo Apfelbaum, Supervisor, Enforcement (ext. 5352) or Rick Takagi, Manager, Operations (ext. 5624) of the Transit Branch of the Transportation and Works Department.

The Senior Management Group has reviewed this report.