



STAFF REPORT INFORMATION ONLY

Feasibility of Eliminating Idling Exemptions for Toronto Transit Commission, Toronto Police Services and City of Toronto Vehicles

Date:	June 7, 2010
To:	City Council
From:	City Manager
Wards:	All
Reference Number:	

SUMMARY

At its meeting of May 3, 2010, the Board of Health (the “Board”) considered a report from the Medical Officer of Health titled “Improving Toronto’s Idling Control Bylaw: Update”. The Board forwarded the report to the June 8, 2010 meeting of City Council and requested the City Manager (among other recommendations), in consultation with the Medical Officer of Health, to report directly to City Council on the feasibility of:

- eliminating all exemptions for the Toronto Transit Commission, Toronto Police Services and City of Toronto vehicles; and
- developing an enforcement protocol that is not part of the bylaw that makes necessary allowances for special circumstances and that would ensure that the bylaw and ticket cancellation policy is reviewed every three years.

This report responds to the request for input from the City Manager to the June 8, 2010 meeting of City Council regarding eliminating exemptions and an enforcement protocol.

Financial Impact

This report will have no financial impact beyond what has already been approved in the current year's budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

After considering the report, Air Pollution Burden of Illness from Traffic (http://www.toronto.ca/health/hphe/air_pollution_burden.htm) on November 12, 2007, the Board of Health requested the Medical Officer of Health to report on the availability of anti-idling technologies for all motor vehicle fleets operating in the City of Toronto. The Board of Health considered the report Feasibility of Mandatory Installation of Idle Reduction Technologies (<http://www.toronto.ca/legdocs/mmis/2008/hl/bgrd/backgroundfile-13978.pdf>) at its July 3, 2008 meeting. As a result, the Medical Officer of Health was asked to report on the implications of amending the City's idling control bylaw to reduce permitted idling time along with other recommendations.

On October 6, 2008 the City's Executive Committee asked staff (Public Health, Transportation Services and Fleet Services) to review the idling control bylaw with a view to deleting unnecessary exclusions for City and TTC vehicles (<http://www.toronto.ca/legdocs/mmis/2008/ex/decisions/2008-10-06-ex24-dd.pdf>).

The report "Improving Toronto's Idling Control Bylaw" (<http://www.toronto.ca/legdocs/mmis/2009/hl/bgrd/backgroundfile-25050.pdf>) was on the agenda for the November 16, 2009 Board of Health meeting. The report proposed revisions to the idling control bylaw and recommended that authority be granted to introduce the necessary bill in Council to amend Municipal Code Chapter 517, Idling of Vehicles and Boats, and to adopt the draft bylaw attached to the November report. This report was referred to the May 3, 2010 Board of Health meeting.

At its meeting May 3, 2010, the Board of Health considered a report (HL30.2) on amending Toronto's Idling Control Bylaw. (<http://www.toronto.ca/legdocs/mmis/2010/hl/bgrd/backgroundfile-29606.pdf>).

The Board of Health recommended the following key changes to the current bylaw:

- Decrease allowed idling time from three minutes to one minute;
- Eliminate current temperature exemption (which allows idling when the temperature inside a vehicle is greater than 27 C or less than 5 C);
- Replace exemption allowing transit vehicles to idle for 15 minutes while at stopovers or layovers with an exemption allowing them to idle only if there is an identified need (eg., for safety of operator or passenger); and

- Clarifying the exemption for police, fire or ambulance vehicles or police or fire boats to specify that idling is permitted only when engaged in operational activities or training activities.

At that meeting, the Board forwarded its recommendations to the June 8, 2010 meeting of City Council, and requested the City Manager, in consultation with the Medical Officer of Health, to report directly to City Council on June 8, 2010, on the feasibility of:

- eliminating all exemptions for the Toronto Transit Commission, Toronto Police Services and City of Toronto vehicles; and
- developing an enforcement protocol that is not part of the bylaw that makes necessary allowances for special circumstances and that would ensure that the bylaw and ticket cancellation policy is reviewed every three years.

This report responds to that request. It was prepared in consultation with the Medical Officer of Health.

ISSUE BACKGROUND

Vehicles emit pollutants that cause climate change, create smog and contribute to adverse health effects.

Over the past two years, Toronto Public Health, in collaboration with Transportation Services, Fleet Services and City Legal, has led an extensive review of Toronto's idling control bylaw to determine how it could be improved. The review considered the benefits of reducing idling of vehicles, idling control bylaws in other jurisdictions, reasons why people idle, and information gathered during stakeholder consultations. Consultation with stakeholders indicated that the bylaw could be more effective if it was easier to understand and easier for the City to enforce. Suggestions for improvement included decreasing the allowed idling time, clarifying the language in the bylaw and removing some of the exemptions.

Exemptions related to Toronto Transit Commission

Consultations between Toronto Public Health and the Toronto Transit Commission (TTC) in relation to exemptions for TTC vehicles revealed that limiting idling of transit vehicles to one minute at all times could cause emission control devices on the buses to fail. The TTC vehicles are equipped with turbo-chargers to reduce emissions which need to cool at idle for a brief period (two to three minutes). Failure of a turbo-charger can result in very high emissions from the bus until the problem is corrected, and can cause oil to be released onto the ground. These failures result in unhealthy releases of pollution and are associated with significant replacement costs. Additionally, TTC indicates that overall maintenance costs may increase with more frequent use of the diesel starter system.

There are also instances where transit vehicles may need to idle for longer than two to three minutes at a stopover or layover location. For example, buses need to idle at isolated stopover

locations at night in order to maintain visibility and for operator safety. In the winter, buses may need to idle to “de-fog” windows in order for the operator to be able to see.

The TTC supported revisions to Toronto’s idling control bylaw revisions including removal of the reference to time in the definition of stopovers and layovers. However, transit vehicles must not idle solely for the comfort and convenience of the operator or passengers. Eliminating the 15 minute provision ensures that buses are turned off as soon as possible once they are stopped. The proposed revision proposed by the Board of Health means that transit vehicles may only idle for reasons related to operator or passenger safety, or in order to protect emission control devices from failure.

Toronto Public Health reported that the TTC will ensure that the new bylaw, if approved by Council, will be incorporated into TTC procedures by updating their current Idling Rule to meet the new requirements. TTC plans to roll out the information through Corporate Notices and Safety Talks at the Divisions to ensure the operators are aware of the changes.

Exemptions related to Toronto Police Services

Consultations between Toronto Public Health and the Toronto Police Services (TPS) in relation to exemptions for TPS vehicles revealed that limiting idling of police vehicles to one minute at all times was not possible due to the need to have their vehicles running to power their onboard electronic equipment such as communication devices and computers.

Exemptions related to City Fleets

The City of Toronto is reducing emissions from the City’s fleet vehicles through the comprehensive Green Fleet Plan 2008-2011. A previous report to the Board of Health described corporate anti-idling strategies for the reduction of emissions from light, medium and heavy duty City vehicles. <http://www.toronto.ca/legdocs/mmis/2010/hl/bgrd/backgroundfile-29606.pdf>

In addition, since 2007 the City of Toronto’s Idle-Free Policy has required staff to shut their vehicle off if idling for more than ten seconds. <http://www.toronto.ca/fleet/idle-free.htm>

Using an Enforcement Protocol

The May 2010 Board of Health report which proposes revisions to the idling bylaw reports on the concept of potentially simplifying the bylaw by removing all exemptions and building them into a formal enforcement protocol that would operate outside the bylaw and could be amended without the necessity of a bylaw change. Toronto Public Health consulted with Transportation Services who enforce the idling bylaw, and City Legal on this issue. They were not supportive of creating an enforcement protocol outside the bylaw because it would reduce transparency and jeopardize enforceability.

COMMENTS

Feasibility of Eliminating Idling Exemptions for Toronto Transit Commission, Toronto Police Services and City of Toronto Vehicles

Staff from Toronto Public Health (TPH), in collaboration with City Legal and Transportation Services, have considered the issue of exemptions. TPH staff consulted with the Toronto Transit Commission, Toronto Police Services, and Fleet Services regarding the operational need for idling.

These consultations revealed that there are times when idling is required for operating their vehicles such as to run emissions reduction devices and as such require exemptions in the idling control bylaw. These discussions also found that there are times when idling can be reduced. This includes those times when idling is solely for the comfort and convenience of the operator or passengers. The proposed revisions to the bylaw provide clarity and specify idling is only permitted for operational or training requirements.

While it not feasible to eliminate all exemptions for the TTC, TPS or City Fleets, it is recommended that the issue of exemptions be addressed through the development or expansion of written idling control policies. These policies could include a monitoring program and enforcement strategy to eliminate unnecessary idling within their fleets while recognizing special operational circumstances. This includes an analysis of their organization's on-road vehicles to determine if they are required to idle in order to perform their operations. Fleet Services currently has a policy that considered the following factors were considered: the division using the vehicle, type of vehicle, vehicle application, model year, advanced emission-control equipment and idle-free technology that has been purchased. Fleet Services could further consider a monitoring and enforcement strategy. Following the direction of Fleet Services' idling policy for city vehicles, Toronto Police Services and the TTC could each develop a detailed policy and communicate it to their staff.

The Toronto Environment Office, in collaboration with Toronto Public Health, has committed to working with TPS, TTC and Fleet Services to eliminate unnecessary idling through development and implementation of specific idling control policies applicable to their operational circumstances.

Feasibility of an Enforcement Protocol

Regarding the request to “assess the feasibility of developing an enforcement protocol that is not part of the bylaw that makes necessary allowances for special circumstances and that would ensure that the bylaw and ticket cancellation policy is reviewed every three years”, Toronto Public Health has explored this issue with City Legal and Transportation Services and recommended against it.

City Legal staff advised TPH that prosecutions of the idling control bylaw have been successful because the conditions under which the bylaw applies are explicitly stated in the bylaw. The bylaw is publicly available and anyone can review it. Adopting an enforcement protocol that is

not available to the public could lead to legal arguments that a person could not access sufficient information to know that their idling was illegal. Similarly, updating an enforcement protocol without publicly amending a bylaw creates uncertainty about what constitutes legal idling. The City Manager's Office agrees with this finding. An enforcement protocol would reduce transparency and jeopardize enforceability of the Idling Control Bylaw.

As the development of a ticket cancellation policy is not considered feasible, staff are not recommending the proposed 3 year review process of such a policy. Instead Toronto Public Health will include an analysis and update on the Idling Control Bylaw report in 3 years to the Board of Health and Council.

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