



STAFF REPORT INFORMATION ONLY

Toronto Police Service: Response to the Feasibility of Utilizing the Denver Boot as a Means of Enforcing Parking Restrictions for Tour Buses on Queens Quay

Date:	February 22, 2010
To:	Executive Committee, City of Toronto
From:	Pam McConnell, Acting Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the Executive Committee with the Toronto Police Service's response to the feasibility of utilizing the Denver Boot as a means of enforcing parking restrictions for tour buses on Queens Quay.

FINANCIAL IMPACT

There are no financial implications in regard to the receipt of this report.

ISSUE BACKGROUND

At its meeting of January 21, 2010, the Toronto Police Services Board was in receipt of a report, dated December 11, 2009, from William Blair, Chief of Police, containing the Service's response to the feasibility of utilizing the Denver Boot as a means of enforcing parking restrictions for tour buses on Queens Quay.

COMMENTS

Following a discussion, the Toronto Police Service Board received the foregoing report and agreed to forward a copy to the City's Executive Committee for information.

CONCLUSION

A copy of Board Minute No. P9/10, in the form attached as Appendix "A", regarding this matter is provided for information.

CONTACT

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SIGNATURE

Pam McConnell
Acting Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P9/10

A: denver boot as means of enforcing parking restrictions.doc

Appendix A

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JANUARY 21, 2010

#P9. FEASIBILITY OF UTILIZING THE DENVER BOOT AS A MEANS OF ENFORCING PARKING RESTRICTIONS FOR TOUR BUSES ON QUEENS QUAY

The Board was in receipt of the following report December 11, 2009 from William Blair, Chief of Police:

Subject: FEASIBILITY OF UTILIZING THE DENVER BOOT AS A MEANS
OF ENFORCING PARKING RESTRICTIONS FOR TOUR BUSES ON
QUEENS QUAY

Recommendation(s):

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to City Council for its consideration.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report. In the event that authorization to use the Denver Boot is approved, the costs associated with purchasing, maintaining and staffing the equipment could become the financial responsibility of the Toronto Police Service (TPS). The estimated cost of a heavy duty Denver Boot with a sufficient capacity to immobilize a tour bus is between \$500.00 and \$750.00 in Canadian funds.

Background/Purpose:

At its meeting of September 30 and October 1, 2009, City Council adopted several recommendations with respect to the Queens Quay Revitalization Environmental Assessment (Report Item EX33.18 refers). The following Recommendation is specifically directed to the Chair of the Toronto Police Services Board:

7. The Chair, Toronto Police Services Board be requested to review and report back to City Council on the feasibility of utilizing the Denver Boot as a means of enforcing parking restrictions for tour buses on Queens Quay.

The Executive Committee Staff Report entitled “*Queens Quay Revitalization Environmental Assessment and East Bayfront Transit Environmental Assessment*” recommends a redesign of Queens Quay. The proposed road reconstruction would result in the narrowing of the existing road allowance, raising concerns that tour buses may continue to park unlawfully and potentially interfere with the orderly movement of traffic on this roadway.

This report is submitted in response to Recommendation No. 7 outlined above.

Discussion:

The Denver Boot is the common term for a metal clamping device which immobilizes a vehicle by locking one of the wheels. The “boot” or wheel lock can be used as an anti-theft device or as a revenue collection tool for unpaid fines or fees. When a vehicle has been immobilized for enforcement purposes, a notice is placed on the vehicle advising the operator of a contact number in order to have a key holder attend the scene. Once on location the monies due are collected and the vehicle is released. The device is not intended to remove parked vehicles which are causing traffic obstructions, but actually detains the vehicle in the unlawfully parked position pending the payment of a fine, penalty or fee.

The current design of Queens Quay includes two lanes of traffic in each direction separated by a Toronto Transit Commission (TTC) streetcar track on the median strip. The recommended design by City Transportation involves reducing the current vehicle lanes to one in each direction. TTC streetcar service would remain in the centre median and the two current eastbound lanes will be converted into a pedestrian promenade and an extension of the Martin Goodman Trail. As a result of the proposed reconstruction and the loss of one vehicle lane in each direction, it is anticipated that the unlawful stopping, standing or parking of vehicles on this roadway will seriously impact the safe and orderly movement of traffic. The Board has been requested to report on the feasibility of implementing the Denver Boot to enforce parking restrictions for tour buses on the proposed reconfigured Queens Quay. These vehicles have been targeted due to their size and potential to obstruct traffic and sightlines. During the summer tourist season, this area is known for both heavy pedestrian and vehicular traffic.

Ensuring the Safe and Orderly Flow of Traffic

The TPS Parking Enforcement Unit is tasked with ensuring the safe and orderly flow of traffic. Fair and consistent enforcement of parking regulations is the primary means of achieving this goal.

The primary concern from an enforcement perspective is to ensure compliance with parking restrictions through public education, the issuance of parking tickets and where necessary, the towing of vehicles. In situations where a vehicle has been unlawfully parked obstructing traffic and may represent a safety hazard, the vehicle is towed according to the TPS procedure. Although by-laws permit the towing of any vehicle

parked in violation of parking by-laws, towing is commonly reserved for clearing No Stopping and No Standing areas, fire routes and other safety-related obstructions including intersections, driveways, rush hour routes and obstructions which may impact the access of emergency vehicles.

The objective of TPS parking enforcement is to remove parked vehicles found to be obstructing traffic by ticketing, towing and impounding the vehicle. Whenever practical, efforts are made to locate the operator of the vehicle prior to towing for the purpose of educating the motorist and ensuring the offending vehicle is removed promptly.

The deployment of the Denver Boot would immobilize a vehicle; thereby detaining it in the unlawful and potentially hazardous position. In the short term this method of enforcement would contribute to traffic congestion and is contrary to the Parking Enforcement Unit mandate to “*assist with the safe and orderly flow of traffic*”. However in the long term, the impact of this enforcement method could be very positive because of the impact it could have on correcting and modifying driver behaviour.

Authority Pursuant to the Appointment By-law

In the event the Denver Boot were to be approved for use, the authorities of Municipal Law Enforcement Officers who are police employees, as prescribed under Chapter 150 of the *Toronto Municipal Code*, may require an amendment in order to authorize the use of a vehicle immobilization device.

Liability

The decision of whether a vehicle is parked in a hazardous position is made at the discretion of a police officer or parking enforcement officer upon their arrival at the scene. In circumstances where it is determined that an unlawfully parked vehicle is creating a potential hazard or obstructing the orderly flow of traffic, the standard procedure is to direct the driver to move the vehicle, ticket the vehicle or as a last resort tow the vehicle from the roadway. Immobilizing a vehicle and allowing it to remain in a hazardous position is inconsistent with the mandate of the Parking Enforcement Unit and may result in increased liability for the TPS if an injury or damage to property could be attributed to the failure of the TPS to remove a vehicle parked in such a position from the roadway.

In addition, detaining a tour bus by installing the Denver Boot would be an inconvenience to the passengers travelling on this vehicle. These potential delays are likely to cause a high degree of public dissatisfaction and or complaints and would not be a positive experience for tourists visiting our city.

Resource Commitment

At this point it is unclear if the TPS or a contract towing service provider would be responsible for installing and removing the immobilization device from the offending vehicle. Regardless, the attendance of a police officer or parking enforcement officer

would be required on two occasions, similar to the police oversight currently in place for by-law towing. Initially, the attendance of a police officer or parking enforcement officer would be required for ticketing and installing the device. A second attendance by one of these individuals would be required for the purpose of fee payment and release of the vehicle. The use of the Denver Boot could result in greater involvement by frontline officers in parking complaints and associated disputes. This could further result in the need for additional parking supervisors to attend at locations where the device has been utilized. The use of this device could negatively impact the amount of patrol time and enforcement activities conducted by parking enforcement officers. The impact that implementation of the Denver Boot would have on the TPS would be directly related to the number of occasions where the device was deployed for use.

At the present time, motor coaches may be towed using “heavy” towing equipment. In many cases, the vehicle operator is on location with the vehicle and a simple request to move the vehicle to a legal parking position rectifies the situation. Parking enforcement officers assigned to the Queens Quay area assist motor coach operators to find alternative locations to park their vehicles rather than park in a manner that would obstruct traffic flow. If the city moves forward with the proposed changes to the road design, the Parking Enforcement Unit will continue to deploy officers to this area for the purpose of assisting tour bus operators and ensuring compliance with the parking regulations.

Notification of the Vehicle Operator

In order to allow for the timely release of a vehicle that has been immobilized, a notice to the vehicle operator with instructions regarding release must be affixed to the immobilized vehicle. In the event the notification is lost or removed, it is reasonable to expect that the operator would call the police and the call taker would in turn provide the required information regarding release. If the Denver Boot were to be approved for use, a system would need to be put in place to ensure that information regarding the release procedure for immobilized vehicles is readily available to members of the public who may call the TPS.

Private Property Issues

Authorization for the use of the Denver Boot for on-street parking by-law enforcement could also become an attractive option for private property owners seeking to deploy the Denver Boot as an enforcement tool and revenue collection option for vehicles parked unlawfully on their property. In the event this does occur, the use of this device could become the preferred method of enforcement by private companies, operating outside of the Municipal Law Enforcement Program. The TPS is responsible for overseeing this program and there are concerns that the introduction of this device could in fact lead to the situation outlined above. The risk of this happening could be averted through the addition of further regulations to specifically prohibit the use of the Denver Boot on private property. These concerns do have merit and are based on previous experiences between the TPS and the questionable private property towing practices of certain companies. These concerns were eventually eliminated through the implementation of stringent regulations.

Financial and Operational Concerns

In the event that authorization to use the Denver Boot is approved, the costs associated with purchasing, maintaining and staffing of the equipment could become the financial responsibility of the Toronto Police Service (TPS). The purchase costs for the equipment would be incurred by the Parking Enforcement Unit. The cost of a heavy duty Denver Boot with sufficient capacity to immobilize a tour bus is estimated between \$500 and \$750 per unit in Canadian funds.

At this point in time the request by City Council to report on the use of the Denver Boot remains in the exploratory stage. In the event the Denver Boot is approved for use, a decision would be required as to whether the police or a contracted towing service would be responsible for the installation and removal of the devices. Regardless who administers the program, police or parking enforcement officers will need to be involved. Our involvement will be either to carry and install the equipment, or to stand by and supervise a towing operator during the installation, payment and release of the vehicle. If a towing service provider is responsible for installing the equipment and the collections of fees, it is imperative that reasonable timelines be put in place to govern the attendance of a company representative at the scene of an immobilized vehicle.

Another issue to be addressed would be the manner in which parking fines are collected in order to gain the release the “booted” motor coach. Currently front-line police employees do not handle cash or other forms of payment. This is not an issue with current ticketing and towing procedures, as payment of fines and towing fees are the responsibility of City staff and the respective pound locations.

The health and safety of TPS members could also be a consideration given the weight and awkwardness of the immobilization equipment. Additional training would be required for frontline members as well as members of the Parking Enforcement Unit which would likely create a strain on resources or the requirement for additional staff resources.

Finally, beyond all of the foregoing points of concern outlined in this report, the purchase of these devices may not be necessary or cost effective, as it is unknown at this time if tour bus operators will choose to violate the parking restrictions on the reconstructed Queens Quay. The reduction in the number of lanes from two to one in each direction may in itself provide a strong deterrent to illegal parking.

Conclusion:

The Toronto Police Service does not recommend the implementation of the Denver Boot or any other type of vehicle immobilization device. The detaining of vehicles found in violation of parking restrictions does not align itself with the TPS and Parking Enforcement Unit objectives of ensuring the safe and orderly flow of traffic. The City Council request was in specific reference to a proposed redesign of Queens Quay

however, more broadly speaking, the TPS does not support the of the immobilization of vehicles in any parking enforcement situation.

When the planned reconstruction of Queens Quay is complete and should tour buses be parked in violation of parking restrictions, the TPS Parking Enforcement Unit is capable of deploying a highly visible uniform presence to strictly enforce the existing parking by-laws for any vehicle found to be parked in violation. The unit is also prepared to deploy parking enforcement officers to assist tour bus operators to find appropriate parking to ensure compliance with parking restrictions.

Deputy Chief A.J. (Tony) Warr, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

Following a discussion, the Board received the foregoing report and agreed to forward a copy to the City's Executive Committee for information.