

HOWARD MOSCOE



Friday, November 13, 2009

ATTACHMENT 3

To: The Chair and Members of the Board of Health

Re: HL26.5, Improving Toronto's Idling Bylaw

Toronto's "Climate Change Clean Air and Sustainable Energy Action Plan" commits the City to reducing greenhouse gas emissions by 80% by 2050 and locally generated smog pollutants by 20% by 2012. These goals will never be realized under the proposed changes to this bylaw. We will fail because the redraft of this bylaw, while it does simplify and clarify, does not recognize the structural flaws inherent in the old bylaw. It makes changes that will improve enforcement but not significantly.

Recommendations:

1. This bylaw be referred back to staff with a request that they re-structure it to make idling an offence that can be enforced under the Highway Traffic Act rather than the Provincial Offences Act.
2. That the staff recommendation to delete the temperature exemption be supported.
3. Staff be requested to further simplify the bylaw by removing all of the exemptions and building them instead into an enforcement protocol that would operate outside the bylaw; one that can be amended without the necessity of a bylaw change.
4. That enforcement not be dependant upon the necessity to time a vehicle and that any reasonable leeway and exceptions be instead woven into the enforcement protocol.
5. That staff report further on this matter no later than the February board meeting.



TORONTO Councillor Howard Moscoe, City of Toronto - Eglinton - Lawrence

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6. That the February report include a formal request for Toronto Police Services to have parking control take over the enforcement of the bylaw.

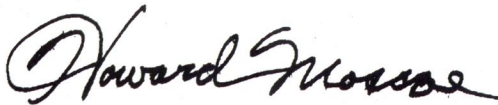
Here's what's wrong:

- b) The idling bylaw is presently enforced primarily by some 42 transportation officers that write an average of one ticket each a year. This report suggests that over the past five years an average of 74 tickets a year were written for idling by all enforcement personnel. The bylaw should instead be enforced by the 412 parking control officers who each write an average of 69 tickets a day. If every parking control officer wrote one idling ticket a day there would be some 15,000 idling tickets written a year instead of the meager numbers that are presently written. Unless you change the enforcement regime you will never begin to control idling.
- c) I have met with the Chief of Police who has informally agreed that he would be willing to have parking control take on the enforcement of idling if we make a structural change to the bylaw. That has not been done in this draft.
- d) Under the present bylaw and the proposed draft, idling is a part II offence. If we want parking control to take on enforcement the bylaw has to be written as a part one offence. The charge would be "IDLING WHILE PARKING". This would eliminate the necessity to time a vehicle in order to gather evidence. Parking control will not do that. They don't even carry part II ticket books.
- e) The failure of the present and proposed bylaw is that it is built around exceptions. I am not suggesting that there shouldn't be exceptions. The exceptions ought to be recognized in the enforcement protocol and not in the bylaw.
The present parking bylaw has an enforcement protocol. There is a 25 page confidential document which the ticket office uses for forgiving tickets. So long as an enforcement officer has to time a vehicle or take the ambient temperature inside a vehicle the bylaw will remain cumbersome to enforce.

- f) The bylaw exempts virtually all City of Toronto vehicles including TTC busses. The most persistent complaint I had to deal with as Chair of the TTC was idling busses. The TTC is unwilling to do other than pay lip service to control of idling and this is evidenced in the fact that half of this report is written around excuses.
- g) The TTC paid a premium of \$191M to purchase 766 hybrid busses. They have since gone back to purchasing diesel busses. The hybrid busses have been a failure. The TTC could have doubled its emission reductions by simply turning off unnecessary idling. If there has to be exemptions, and there should be, they should be developed thoughtfully and incrementally around an enforcement protocol and not built into the bylaw. To the best of my knowledge there has never been an idling ticket written against a TTC bus or a City of Toronto vehicle. We need to lead by example.

Thank you for your consideration of this matter.

Yours in Government,

A handwritten signature in black ink that reads "Howard Moscoe". The signature is written in a cursive, flowing style.

Howard Moscoe
Councillor, City of Toronto
Eglinton-Lawrence