



**STAFF REPORT  
ACTION REQUIRED**

**Relieving rush hour congestion due to unlawful stopping, standing, and parking**

<b>Date:</b>	December 9, 2011
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	P:\2012\Cluster B\TRA\Toronto and East York District\TOP\Pw2012007te.top.doc

**SUMMARY**

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As requested by City Council at its meeting of October 24, 2011, Transportation Services is reporting to the Public Works and Infrastructure Committee on considerations to alleviate traffic congestion caused by motorists and delivery vehicles stopping, standing, parking or otherwise obstructing traffic flow on arterial roads and bicycle lanes during designated rush hour periods.

In general, the current parking regulations in effect across the City on the major/minor arterial road network, along public transit routes and in bicycle lanes are designed to facilitate the flow of traffic during these peak demand times. However, it is clear that in many instances motorists and delivery vehicles willfully disregard these regulations. Staff suggests that greater compliance with the rush hour regulations and bicycle lane restrictions will only be achieved through a combination of increased fines, directed enforcement patrols and towing to augment the current enforcement protocols and the raising of public awareness as it relates to this issue.

Despite this, many businesses in the City, particularly in the central/downtown area and along many arterial corridors with no off-street parking/delivery facilities depend on curbside servicing by their suppliers and other providers. This too must be recognized. As a means of addressing this issue, a separate report to the Public Works and Infrastructure Committee is recommending initiation of a "Courier/Delivery Vehicle Parking Permit" program that will provide delivery vehicles with certain parking exemptions during non-rush hour periods to enhance delivery opportunity. These considerations will not extend to the morning and afternoon rush periods. That report should be considered in tandem with the Recommendations contained in this report.

## **RECOMMENDATIONS**

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### **The General Manager, Transportation Services recommends that:**

1. City Council authorize the City Solicitor, in consultation with the General Manager of Transportation Services, to
  - a) Amend the appropriate by-laws as necessary to create new offences prohibiting stopping, standing, or parking a vehicle during all or any portion of the general rush hour period(s) of 6:00 a.m. to 10:00 a.m. and or 3:00 p.m. to 7:00 p.m., Monday to Friday except Public Holidays where official signs to prohibit parking, standing or stopping are displayed;
  - b) Amend the appropriate by-laws to establish a fixed fine amount of \$150.00 for any new offences created by Recommendation 1(a); and
  - c) Make application to the Senior Regional Justice of the Ontario Court of Justice to establish the set fines and that the amounts requested be equal to the fixed fine amounts as outlined in Recommendation 1(b).
2. City Council authorize the City Solicitor, in consultation with the General Manager of Transportation Services, to
  - a) Amend City of Toronto Municipal Code Chapter 886, Footpaths, Pedestrian Ways, Bicycle Paths and Bicycle Lanes to increase the fixed fine amount to \$150.00 with respect to the offences of stopping a vehicle other than a bicycle in a bicycle lane at anytime; and
  - b) Make application to the Senior Regional Justice of the Ontario Court of Justice to establish the set fine and that the amount requested be equal to the fixed fine amount in Recommendation 2(a).
3. City Council request the Chair, Toronto Police Services Board, to continue to work with City staff to develop a coordinated enforcement strategy that would augment the current enforcement protocols in order to complement a new set fine establishment relating to stopping/standing/parking on roads where specific rush hour regulations are in effect and obstructing bicycle lanes at anytime.
4. City Council authorize staff to take whatever action is necessary, including the submission of the necessary bills, to implement Recommendations 1 and 2, including the establishment of additional schedules under the appropriate by-laws, if necessary.

## **Financial Impact**

The financial impacts arising from approval of this report cannot be determined at this time given that it is difficult to predict driver behaviour. In order to achieve the goal of reducing instances of unlawful stopping/standing/parking during rush hour periods and in bicycle lanes and reduce traffic congestion, this report recommends an increase in the fine amounts for these types of infractions to \$150.00 (from the current set fine of \$40.00 for a no parking offence, and from \$60.00 for no stopping/no standing offences).

However, if the increased fine levels are successful in acting as a deterrent, it can be expected that the number of unlawful parking instances will decrease. This will result in fewer parking tickets being issued for these types of offences, with an associated decrease in fine revenue. It is difficult to predict in advance whether revenue from increased fine amounts for these types of offences will offset the decrease in parking ticket revenues from fewer tickets being issued.

Additionally, any increase in enforcement measures to achieve a measurable and recognizable improvement in compliance with the current regulations may require enhanced enforcement initiatives, in the form of directed patrols and related towing by the Toronto Police Service, including contract towing services.

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

## **DECISION HISTORY**

City Council at its meeting of October 24 and 25, 2011, in considering Item GM8.11, titled, "Relieving Congestion by Increasing Fines and Enforcement for Motorists and Delivery Vehicles that Obstruct Traffic During Rush Hour Periods", which contained a Member Motion (MM11.1) referred to the Government Management Committee by City Council at its meeting on September 21 and 22, 2011, adopted the following:

1. City Council request the Deputy City Manager to report to the Public Works and Infrastructure Committee to consider ways to alleviate traffic congestion caused by motorists and delivery vehicles stopping, standing, parking or otherwise obstructing traffic on arterial roads and in bicycle lanes during City-designated rush hour periods.
2. City Council request the City Manager to work with the Toronto Police Service to increase enforcement of existing by-laws prohibiting any motorist, including delivery vehicles, from stopping, standing, parking or otherwise obstructing traffic, including bicycle lanes, on arterial roads during City-designated rush hour periods.

## COMMENTS

### Overview

The issue of vehicles stopping, standing or parking along major/minor arterial roads with or without public transit routes or bicycle lanes has received significant public and media scrutiny in recent months. While the issue is not new, when coupled with increased traffic volumes and rush hour operational conditions that begin earlier in the morning and mid afternoon and extend later into the mid morning and early evening hours, the traffic delays and increased traffic congestion created by inconsiderate motorists is increasingly annoying to commuters.

This issue is most prevalent in the central/downtown areas. However, similar conditions occur along many arterial corridors across the City where there is a significant concentration of retail/commercial storefront businesses and where these businesses can not provide any off-street parking/loading areas for use by patrons and suppliers.

In general, the current situation is not due to the lack of stopping, standing, or parking regulations. While consideration towards extending the operational periods of the rush hour parking regulations is justified on many roads in the Toronto and East York District and on some suburban arterial roads, the root cause of the problem is the willful non-compliance with the existing rush hour stopping/standing/parking regulations by some motorists and delivery vehicles.

It has been suggested that the current set fines applied through ticketing of motorists that stop/stand/park illegally during rush hour periods or in bicycle lanes, as well as other enforcement protocols such as towing, are not severe enough or applied stringently and consistently to encourage greater compliance with the current regulations.

Transportations Services agrees but also recognizes the needs of businesses to conduct business in Toronto and the potential impacts on staffing resources and operational budgets of the Toronto Police Service that might be necessary to achieve measurable and sustainable improvements in compliance with current traffic regulations and a reduction in traffic congestion. However, increasing parking enforcement staff resources, to augment existing enforcement protocols, may not be the recommended solution as the costs may outweigh the benefit when there are other integrated approaches that may be effective as outlined in this report.

Options that might be considered to enhance compliance with the current regulations are outlined below.

## Options:

There are several enforcement related options that individually or in combination could enhance motorists' compliance with rush hour regulations and obstructing bicycle lanes. They are: increased parking fines; enforcement strategies to enhance existing enforcement operations including towing and public awareness components; and vehicle immobilization.

### Increased Parking Fines:

The original Member Motion, Item MM11.1 requested that staff report on implementation of a plan to increase fines to \$500.00 for any motorist, including delivery vehicles stopping, standing, parking or otherwise obstructing traffic on arterial roads and in bicycle lanes during City designated rush hour periods.

The current set fine for any "No Stopping" or "No Standing" violation in Toronto is \$60.00. The set fine for most "No Parking" infractions is \$40.00. City of Toronto Municipal Code Chapter 950, Traffic and Parking, was recently amended to include fixed fines of \$60.00 and \$40.00, respectively, for these offences. Although it is difficult to specifically state how many parking tickets were issued on arterial roads during rush hour periods, in 2010 approximately 175,000 parking tickets were issued by the Toronto Police Service for stopping violations, the majority of which would have been issued during rush hour periods.

While \$500.00 represents an intimidating set fine for stopping/standing/parking on a rush hour route or in a bicycle lane, it is also considerably in excess of the scale of other parking set fines in effect in Toronto and in comparison with set fines imposed for similar offences in other major North American municipalities.

Appendix "A" attached to this report indicates the current set fines and voluntary payment fines applied for stopping violations in other major Ontario, Canadian and United States municipalities. These fines range from a low (voluntary payment) of \$33.00 in Miami-Dade County, Florida to a high of \$201.00 after delayed payment penalties are applied, in Los Angeles, California. Currently, the highest fines in Canada are in Ottawa where the set fine is \$110.00 if paid after fifteen days or a voluntary payment of \$90.00. The average set fine for the municipalities surveyed is about \$72.00, while the average set fine applied by major North American municipalities is about \$93.00. The set fine currently applied in Toronto for violating a stopping prohibition is below average.

As a means of encouraging compliance with rush hour regulations, staff recommend establishing a set fine and a fixed fine of \$150.00 and amending the appropriate by-laws as necessary to create new offences for prohibiting stopping, standing, or parking a vehicle during all or any portion of the general rush hour period(s) of 6:00 a.m. to 10:00 a.m. and or 3:00 p.m. to 7:00 p.m., Monday to Friday except Public Holidays where official signs to prohibit parking, standing or stopping are displayed. This will establish a

two-tiered level of fines for the of no stopping, which will require further discussion between Transportation Services and Legal Services on how best to operationalize and implement this change.

Under the provisions of the City of Toronto Municipal Code, Chapter 886, Footpaths, Pedestrian Ways, Bicycle Paths and Bicycle Lanes, stopping is prohibited at all times in a bicycle lane. Chapter 886 was recently amended to include a fixed fine in the amount of \$60.00 for this offence. Time restricted "rush hour" stopping/standing/parking regulations do not apply on streets with bicycle lanes. Therefore, establishing a higher set fine and fixed fine of \$150.00 for stopping a vehicle other than a bicycle in a bicycle lane would have to apply at all times of day.

If Council adopts any increase in the current set fines associated with no stopping/no standing/no parking offences in rush hour periods and associated with no stopping in bicycle lanes and the appropriate by-law stipulations are put in place, the City Solicitor must make application to the Senior Regional Justice, Ontario Court of Justice for approval of the new set fine amounts and that the set fine amounts requested should be equal to the fixed fine amounts established by by-law. If approved, the new fines would come into force once the set fine order is granted.

#### Enhanced Enforcement Strategies:

Enforcement is one of the components of an integrated approach to traffic flow and management. Enforcement of rush hour routes may be most effective when it is combined with the recommended fine increases and public awareness campaigns aimed at raising awareness of the impacts and consequences of unlawful parking.

Patrol of rush hour routes on all major arterial roads is standard practice through a highly visible uniform presence, and no statistical evidence suggests that the current level of enforcement is not appropriate. However, an integrated approach in which current enforcement protocols are augmented with directed patrols including towing and public awareness campaigns to complement the new set fine establishment is a viable option to increase compliance.

#### Towing and Impounding:

Police and Parking Enforcement officers have the authority under the Ontario Highway Traffic Act to ticket, tow and impound a vehicle. Where a vehicle has been unlawfully left obstructing traffic and may present a safety hazard, the vehicle is towed according to Toronto Police Service procedure. The primary concern from an enforcement perspective is to encourage compliance with parking regulations. Although by-laws prescribe the towing of any vehicle parked in violation, the Toronto Police Service has advised that this level of enforcement is commonly applied to clear No Stopping, and No Standing areas, Fire Routes and other safety-related obstructions such as intersections, driveways, rush hour routes and obstructions which may affect emergency vehicle access.

Towing of vehicles is a common practice during rush hour periods in the downtown core. Offences are found to be less common, and towing less necessary, where there is more available off-street parking outside the downtown core. It is applied less stringently and is basically complaint driven in areas outside the downtown core, partly because of the dedicated resources required from a staffing perspective and contract towing perspective. Although some towing might take place in non-rush hour situations, police records indicate that about 27,400 vehicles were towed last year for parking violations, the majority of which would have been for committing parking offenses during rush hour periods.

The act of towing offending vehicles is used as a tool to gain compliance to the rush hour route regulations and works to augment other strategies as outlined in this report. Continuation of towing efforts, coupled with public awareness, increased fines, and enforcement could significantly increase compliance with rush hour and bicycle lane stopping restrictions. Staff notes that it is not necessary under the provisions of the Ontario Highway Traffic Act or Toronto Municipal Code to post signs at any location on a public road to advise motorists that vehicles are subject to towing.

#### Vehicle Immobilization:

Immobilizing an illegally parked vehicle by means of a device commonly referred to as the "Denver Boot" was the subject of a report to the Toronto Police Services Board in November 2009. That report specifically addressed the issue of booting illegally parked buses. However, the rationale for implementing a vehicle immobilization program can be applied to all vehicles.

The boot is a metal clamping device which immobilizes a vehicle by locking one of the wheels. The boot or wheel lock is sometimes used as an anti-theft device, and in some jurisdictions, as a tool to promote revenue collection of unpaid parking fines. By immobilizing the vehicle, it cannot be moved by the driver until it is released or towed to an impound lot. If the vehicle is located in a potentially hazardous location or in a location where it obstructs rush hour traffic, immobilizing the vehicle makes the situation worse by potentially extending the period of time during which the vehicle will obstruct traffic flow on a rush hour route or in a bicycle lane.

Therefore it is widely agreed that there are liability, financial, operational and health and safety issues associated with a booting program. The Toronto Police Service does not support use of booting measures on the principle that immobilizing a vehicle for a parking offence is inconsistent with maintaining the safe and orderly flow of traffic. Transportation Services agree with this assessment. This option is not recommended as a means of improving compliance with rush hour regulations or reducing obstruction of bicycle lanes.

## Additional Considerations

While short-term illegal parking by commuting motorists is one issue, curbside delivery activity during rush hour periods and in bicycle lanes also is problematic in some areas. Many businesses in the City, particularly in the central/downtown area and along many arterial corridors have no off-street parking/delivery facilities and depend on curbside servicing by their suppliers and other providers. Delivery drivers usually are aware that they cannot legally stop during rush hour periods to make a delivery but choose to do so regardless of the consequences. Some companies consider a parking ticket to be the "cost of doing business" in Toronto. More considerate companies make it clear to their drivers not to make deliveries during rush hour periods or to obstruct bicycle lanes.

Recognizing that many businesses in the City need to receive curbside deliveries, Transportation Services has been working in consultation with representatives of the courier industry to develop a permit initiative that would provide couriers and general delivery drivers with a time-limited exemption from certain parking regulations to enable them to make their deliveries. This initiative will not provide delivery privileges or exemptions during rush hour periods or in bicycle lanes. As a means of addressing this issue, a separate report recommending initiation of a "Courier/Delivery Vehicle Parking Permit" program is being submitted to the Public Works and Infrastructure Committee for consideration. Staff recommends that report be considered in tandem with the Recommendations contained in this report.

As the members of the Public Works and Infrastructure Committee are aware, staff has been directed to undertake a Downtown Traffic Operational Study. Work to initiate this study is underway with a report back to the Committee expected later in 2012. The study is expected to identify "quick-hit" issues that could have an immediate impact on reducing traffic congestion, enhancing public transit operations, and improving safety for all road users. Items that could have an immediate impact on reducing traffic congestion will be the subject of separate reports to your Committee during the time that the overall study is progressing. Some of the issues that will be considered are:

- one-way/two way traffic operation;
- extending the operational hours of rush hour parking/stopping prohibitions to address issues associated with flexible working hours;
- the impact of and necessity for turn restrictions at major arterial intersections; and
- traffic signal operation/modifications.



This report has been prepared in consultation with Financial Services, Toronto Police Services and Legal Services.

## **CONTACT**

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## **SIGNATURE**

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## **LIST OF ATTACHMENTS**

Appendix "A" – Fines for Stopping/Road Obstruction Violations – Various North American Municipalities

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