

Paid Duty Officers – Status Update

Date:	October 24, 2012.
To:	Public Works and Infrastructure Committee
From:	Acting General Manager, Transportation Services
Wards:	All
Reference Number:	P:\2012\Clusterb\TRA\TMC\pw12003tmc

SUMMARY

City Council, at its meeting on November 29, 30 and December 1, 2011, adopted, with amendment, a staff report titled "Review of Paid Duty Officers' Traffic Control Assignments" (PW9.7). In so doing, the requirement for the use of Paid Duty Police Officers (PDO's) was reduced, and in some cases, eliminated in the Transportation Services Division's permits, documents and policies which would result in savings to the City and taxpayers.

The purpose of this report is to provide a status update on the use of PDO's – the extent to which the new City Council approved guidelines have been applied; the resulting cost savings; areas where further compliance with the new guidelines is necessary; and steps required to monitor and track the use of PDO's. Staff of Transportation Services and Toronto Police Services have met to discuss these issues, requirements and next steps. During these discussions, Toronto Police Services emphasized that PDOs are currently deployed strictly on a request basis.

RECOMMENDATIONS

The Acting General Manager, Transportation Services recommends that:

1. City Council request the Toronto Police Services Board to:
 - (a) Provide detailed statistics to the Acting General Manager, Transportation Services, on the use of Paid Duty Officers (PDO's) for traffic control by agency for the year 2011 and 2012 (to-date);

- (b) Provide in the future, on a monthly basis, to the Acting General Manager, Transportation Services, statistics broken down by agency and, if feasible, by function on the use of PDO's within the public right-of-way; and
 - (c) Sign the revised Memorandum of Understanding that reflects the new PDO guidelines as approved by City Council at its meeting on November 29, 30 and December 1, 2011;
2. City Council request Utility Companies, the Toronto Transit Commission, and the Building Industry and Land Developers Association to submit documentation to the Acting General Manager, Transportation Services on their current use of PDO's and to outline any issues and constraints related to the implementation of the new PDO guidelines.

Financial Impact

There are no direct financial impacts associated with this report. However, the implementation of the new guidelines with respect to the deployment of Paid Duty Officers (PDO's) will result in a reduction in the number of PDO assignments with a commensurate reduction in costs. For City-related contracts, this cost savings is estimated to be \$1.8 million annually compared to previous levels. For non-City related contracts and events, the extent to which PDO assignments will be reduced and cost-savings realized will be determined in the future with the implementation of the recommendations and measures outlined above.

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

DECISION HISTORY

City Council, at its meeting on November 29, 30 and December 1, 2011, adopted, with amendment, a staff report titled "Review of Paid Duty Officers' Traffic Control Assignments". In doing so, City Council revoked the requirement for PDO's for construction or rehabilitation within 30.5 metres of intersections controlled by traffic control signals. In addition, the existing Memorandum of Understanding (MOU): "Guidelines for Paid Duty Police" between the Toronto Police Services and Transportation Services was revoked, to be replaced by a new MOU: "Guidelines for Road Occupancy and Traffic Control" that reflects the new Council-approved guidelines.

ISSUE BACKGROUND

Off duty police officers, or PDO's, are often hired by various organizations, agencies, businesses, governments, institutions, etc. to perform or supplement a variety of functions or services. Many PDO's are hired to provide traffic control within the public road allowance but are also utilized on private property for security, crowd control or other

purposes. However, it is the presence of PDO's within the public right-of-way that is most visible to, and receives most of the attention from, the travelling public.

With the extent of construction and maintenance activity on City streets as well as special events, particularly in the downtown area, it is not uncommon or unexpected when travelling along a busy arterial road to see a PDO. Although the PDO could have been hired by any number of parties, it is often assumed or perceived by the public that the PDO has been hired by the City at the taxpayers' expense.

COMMENTS

City Divisions (e.g. Transportation Services, Toronto Water and Technical Services) utilize PDO's within the public right-of-way to assist with traffic control in construction zones. Based on the observations of staff, it is estimated that the percentage of PDO's working within the public right-of-way that are hired by City Divisions is considerably less than 50 percent of the total number (possibly in the 30% - 40% range).

The balance of the PDO's would typically be hired, entirely at their own expense, by:

- Utility and telecom companies, including Toronto Hydro, Bell and Enbridge (to provide construction traffic control);
- Developers (to facilitate construction activity, such as hoisting and construction traffic);
- Toronto Transit Commission (for traffic control in the vicinity of their construction and track maintenance activity);
- Special Event Organizers (for traffic control during event set-up and take-down, and crowd control);
- Film Industry (to control vehicle and pedestrian traffic around film sets); and
- Businesses (to assist vehicle access/egress at busy parking access driveways).

Since the adoption of the new PDO guidelines by City Council in late 2011 the following actions have been completed:

- All applicable permits, specifications, Municipal Consent Requirements and other City documents have been modified to reflect the changes to the guidelines.
- The staff report was forwarded to the Toronto Transit Commission, Toronto Hydro and TABIA, as directed by City Council;

- The existing MOU with Toronto Police was revoked after Council approval of the staff report, thereby rescinding the policy requiring PDO's within 30.5 metres of a signalized intersection; and
- A new MOU was prepared and forwarded to Toronto Police Services in April 2012 for signature.

Since the changes came into effect, the City of Toronto has reduced its reliance on PDO's for projects under its control. The summary below compares the actual hours and costs in 2011 with projected and estimated hours and costs in 2012 and 2013.

- 2011 37,200 Hours of PDO (\$2.9 million)
- 2012 (to-date) 25,000 Hours of PDO (\$2.0 million)
- 2013 (estimated) 13,000 Hours of PDO (\$1.1 million)

The numbers associated with 2012 represent 9 months of PDO reduction. If prorated for the entire year, it is estimated that the City of Toronto would have saved approximately \$1.3 million which is the estimated savings included in the staff report considered and approved by City Council. It should be recognized that these savings will be achieved even though the old PDO guidelines remain in current contracts. However, staff have advised contractors, including Stacey Electric (the City's contractor for the maintenance and operation of electrical traffic control devices), of the new guidelines and have been encouraged to follow them despite the old specifications in the contracts.

In 2013, existing contracts that have the requirement for PDO's will expire resulting in additional savings as a result of the inclusion of the new PDO guidelines in the new contracts. When comparing 2011 costs with estimated costs for 2013, the City of Toronto will save approximately \$1.8 million which is \$500K over the estimated savings identified in the staff report previously considered and approved by City Council. While this represents an approximate reduction of 60% in the use of PDO's by the City of Toronto, it is important to recognize that there will remain circumstances where the use of PDO's is appropriate for the safety of the public and workers. Examples include:

- directing traffic at an intersection in the absence of a traffic signal display;
- directing pedestrians through a potentially contrary traffic signal indication; and
- any other situation when City staff believe that a PDO is required to maintain public safety.

It should be noted that with the previous guideline requiring a PDO for any work within 30.5 metre of a signalized intersection, it was easy for staff to determine when a PDO was required. With the elimination of this requirement, staff must use more engineering judgment and must meet more regularly with the Toronto Police Construction Liaison Officer to discuss construction work zones and to determine the appropriate form of traffic control to provide and maintain public safety.

Future Actions

While the City of Toronto has successfully reduced its reliance on PDO's as a result of the implementation of the new guidelines, based on the observations and figures outlined above, similar reductions in the use and cost of PDO's by other agencies have yet to be achieved. Notwithstanding their receipt of the staff report, discussions on the new guidelines at Toronto Public Utility Coordinating Committee meetings and at daily site meetings where City staff has reminded agencies of the new guidelines, the use of PDO's on other agency work sites has not reduced accordingly. Staff will continue to remind these other agencies of the new Council-approved guidelines and encourage greater compliance. Staff are confident that these new guidelines will be respected by these agencies, however, in the event that greater compliance is not achieved, then it may be necessary to take more effective or strident action, such as the withholding of permits, in order to achieve the desired result.

City staff have met with Toronto Police Services staff to discuss these issues and express these concerns. Staff of Toronto Police Services made it clear that PDO's are deployed strictly on a request basis. However, it was also clear from these discussions that information regarding the use of PDO's by the various governments, agencies, organizations, businesses, etc. or by function is not readily available or currently collected by Toronto Police Service.

Therefore, a series of actions has been developed in an attempt to gain a more thorough understanding or profile of the use of PDO's and to achieve the consistent application of these new guidelines by all affected parties:

- Toronto Police Services Board be requested to provide detailed statistics on the use of PDO's for traffic control by agency for the year 2011 and 2012 (to-date);
- Toronto Police Services Board be requested to provide in the future, on a monthly basis, statistics broken down by agency and, if feasible, by function on the use of PDO's within the public right-of-way;
- Toronto Police Services Board be requested to sign the revised Memorandum of Understanding that reflects the new PDO guidelines;
- Utility Companies, the Toronto Transit Commission, and the Building Industry and Land Developers Association be requested to document their current use of PDO's, be advised of the need to implement the new guidelines for the deployment of PDO's, and to outline any issues and constraints to the implementation of the new PDO guidelines; and
- Transportation Services staff provide guidance to other agencies, as required, on the new guidelines for the Deployment of Traffic Control in Road Construction Activities.

With the implementation of these future actions, the use of PDO's for both City and non-City events and functions should continue to decrease, with a commensurate reduction in the cost to the City, taxpayers, and the customers of the agencies, organizations, institutions, etc. required to use PDO's.

CONTACT

Myles Currie, Director
Traffic Management Centre
Transportation Services Division
Phone: 416-392-5372
Fax: 416-397-5011
E-mail: mcurrie@toronto.ca

SIGNATURE

John Mende, P.Eng.
Acting General Manager
Transportation Services