



STAFF REPORT ACTION REQUIRED

Increases to Parking Ticket Set Fines

Date:	September 14, 2015
To:	Public Works and Infrastructure Committee
From:	General Manager, Transportation Services and Treasurer
Wards:	All
Reference Number:	P:\2015\Internal Services\rev\pw15018rev (AFS20761)

SUMMARY

This report:

- a) provides an overview of the existing Set Fine structure and makes recommendations to increase certain set fine amounts;
- b) recommends that application be made to the Regional Senior Justice in order to increase certain Parking Ticket Set Fines; and
- c) recommends that all applicable by-laws be amended in order to give effect thereto.

Municipalities across Ontario maintain a Parking Ticket Set Fine/Fixed Fines system in accordance with the *Provincial Offences Act*. These Set Fines/Fixed Fines are the fines payable when offenders park illegally and receive parking tickets. The City of Toronto reviews its Parking Ticket Set Fines/Fixed Fines annually with a view to determining the appropriateness of its fine amounts with respect to the seriousness of the offence and to compare with fine levels in other municipalities. More recently, and with traffic congestion a priority of the City, certain parking fines which impact traffic and/or affect life-safety were reviewed to determine the appropriateness of the existing fine amounts. Legal Services Division was consulted in the preparation of this report.

RECOMMENDATIONS

The General Manager, Transportation Services and the Treasurer recommend that:

1. City Council authorize that Fixed Fines for the "No Parking" Offences (Codes 5, 14, 16, 17, 18, 77) be increased from \$40.00 to \$50.00.
2. City Council authorize that Fixed Fines for offences related to Fail to Park/Stop Parallel to Curb (Codes 11, 48, 49, 50, 51, 52, 54, 55 and 56) be increased from \$15.00 to \$30.00.
3. City Council authorize that the Fixed Fine for "Stop on/over Sidewalk/Footpath" (Code 30) be increased from \$60.00 to \$150.00.
4. City Council authorize that the Fixed Fines for Bus and Transit Parking related offences (Codes 320, 192) be increased from \$40.00/\$60.00 to \$150.00.
5. City Council authorize that the Fixed Fine for Stop Roadside-(Stopped/Parked) Vehicle (Code 31) which deals with the double parking offence when a live lane of traffic is obstructed be increased from \$60.00 to \$150.00.
6. City Council authorize that the Fixed Fine for "Stop vehicle-reserved designated lane" (Code 423) be increased from \$60.00 to \$150.00.
7. City Council authorize the City Solicitor to amend the appropriate by-laws to revise the fixed fine amounts in accordance with Recommendations 1 to 6, inclusive, of the report dated September 14, 2015 of the General Manager, Transportation Services Division and Treasurer.
8. City Council authorize the City Solicitor to make the necessary application to the Regional Senior Justice of the Ontario Court of Justice to establish new/revised set fine amounts equal to the fixed fine amounts, respectively, identified in and in accordance with Recommendations 1 to 6, inclusive, of the report dated September 14, 2015, of the General Manager, Transportation Services Division and Treasurer.

Financial Impact

Implementing the increases contained in this report may result in additional revenues of up to \$5.52M if behavior change is as anticipated as shown in Table 2. However, the fines are implemented to improve traffic flow, and therefore successful implementation will not result in significant additional revenues.

Additionally, any increase in enforcement measures (related to the fines associated with rush hour parking restrictions) 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 & 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: "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.

Council's decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM8.11>

Subsequently, in its consideration of Item PW11.2: "Relieving Rush Hour Congestion Due to Unlawful Stopping, Standing and Parking," City Council on February 6 and 7, 2012, authorized the City Solicitor to, in consultation with the General Manager, 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 Part 1a above; 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 Part 1b above.

This report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW11.2>

ISSUE BACKGROUND

Traffic congestion is a significant issue in virtually every urban area in North America and it remains a growing problem in the City of Toronto.

One of the major contributing factors to traffic congestion is the impact of illegally parked vehicles and/or illegally stopped vehicles, particularly on major arterial roads and especially during rush hour periods. Illegal parking or stopping prevents the effective use of roadways and inhibits traffic flow, resulting in congestion.

In 2013, the City of Toronto took steps to address the issue of illegal stopping during rush hour periods, by significantly increasing the fine for “No Stopping” during peak periods from \$60.00 to \$150.00.

Almost immediately after implementing the fine increase, the number of illegally stopped vehicles dropped by 60%, evidenced by the fact that the City previously issued approximately 700 tickets per day for that offence, and following the fine increase, utilizing identical enforcement resources, now issues approximately 280 tickets per day. The increased compliance has improved traffic flow and it is clear that the increase in the fine amount had the desired effect of increasing compliance.

This report outlines further options to alleviate traffic congestion by increasing parking fines for other offences and/or increases the Set Fine level of certain offences to bring them in-line with those Set Fines of other municipalities, to adjust fines such that they provide a greater deterrent to illegal parking and to ensure life-safety related fines are set at appropriate levels.

COMMENTS

The *Provincial Offences Act* allows for the imposition of a set fine for various parking infractions and other offences.

Municipalities have the flexibility to set the penalty for various parking infractions. It is clear that in order to manage and reduce traffic congestion, a balanced combination of enforcement and appropriate fine levels are required. The City of Toronto continues to implement a number of strategies to combat traffic congestion, and one measure is an increase in parking fines to gain greater compliance.

While these proposed increases to parking fines that assist with traffic congestion may result in Toronto's fines being higher than those of other Canadian municipalities, given Toronto's unique attributes, size, day-time population increases, traffic density and other factors such as being a major tourist hub, staff believe these increases will ensure an adequate deterrent to illegal parking and stopping.

"No Parking" Offences

Periodic reviews of Toronto's parking fines are completed using comparable data from similar cities across North America. A recent review found that the City of Toronto's fine amounts for the "No Parking" offence is the lowest of six other cities used in the review.

Of the 2.5 million parking tickets the City of Toronto issues each year, there are approximately 530,000 offences within the "No Parking" offence category. This offence applies in any area where parking would create safety concerns due to sightline issues, impede vehicular or pedestrian traffic, or violate general parking rules.

As outlined in Table 1 below, the fine levels for this offence compared to other municipalities across North America are generally much higher.

Table 1: Comparison of No Parking Fines with other Municipalities

Municipality	Toronto	Ottawa	Vancouver	Calgary	New York	Los Angeles	Chicago
Fine Amount	\$40.00	\$70.00	\$80.00	\$50.00	\$115.00	\$171.00	\$75.00

In light of the fine level differences above, staff are recommending an increase to the "No Parking" offences from the current \$40.00 fine amount to \$50.00.

Using anticipated consumer behavior changes, staff believe that this increase will improve parking compliance by 10%, resulting in 53,000 fewer parking offences being committed and will assist with managing traffic and reducing congestion.

A change or increase in the set fines/ fixed fines amounts requires Council approval, followed by an application to the Regional Senior Justice to approve the fine increases. It is anticipated that the earliest the fine increase could be implemented would be January 1, 2016 if Council approves the increase in September 2015, as it normally takes several months for the Regional Senior Justice's approval and a few weeks for staff and Police to implement the revised fine(s).

Other Traffic Congestion Related Parking Offences

Other offences committed by drivers that contribute to traffic congestion include "No Stopping" offences which are time-limited (i.e.: 7am-7pm), "No Stopping" offences outside of rush hour periods, stopping in bike-lanes, parking on sidewalk (blocking pedestrian traffic), stopping too close to intersections and stopping in bus loading/transit area offences.

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 safe movement of traffic during these peak demand times. However, following implementation of the fine increases for the rush hour offences, staff, including

enforcement staff, discovered that drivers, attempting to avoid being ticketed with a higher fine of \$150.00 are now stopping illegally on sidewalks, in transit areas, too close to intersections, or double parking in live lanes of traffic in order to avoid the higher fine. While offences in the rush hour area have been reduced, offenders continue to abuse parking rules by parking in these "peripheral" locations, close to or adjacent to high-volume traffic roadways. This contributes significantly to public safety issues and traffic congestion.

As a means of encouraging compliance with these peripheral rush hour regulations, staff recommend establishing a set fine and a fixed fine for each of the offences listed in Table 2 below and amending the appropriate by-laws as necessary for prohibiting stopping, standing, or parking a vehicle in the areas and zones listed (i.e., Sidewalks, Intersection offences, Bus and Transit routes/stops and double parking)

**Table 2:
Increasing Specific Fines as a measure to reduce congestion – Current and Proposed Fine(s)**

Offence Type	# of Tags Issued Annually	# of Anticipated Future Tags Annually ¹	Current Set Fine 2014	Proposed Set Fine 2016	Anticipated Revenue Increase ² (at 80% collection) (\$M)
No Parking Offences	530,000	477,000	\$40.00	\$50.00	\$2.120
Fail to Stop Parallel Curb	3,500	3,150	\$15.00	\$30.00	\$0.336
Bus/Transit Stop	27,000	24,300	\$60.00	\$150.00	\$1.620
Sidewalk Offences	25,000	22,500	\$60.00	\$150.00	\$1.500
Park on Roadway (Double Parking)	2,200	1,980	\$60.00	\$150.00	\$0.132
HOV/Transit Lanes	N/A (new)	1,000(new)	\$60.00	\$150.00	(est.) \$0.120
Total	584,200	525,780			\$5.520 M

1. Figures above include anticipated decrease in the number of tickets issued due to higher compliance and a collection rate of 80%.
2. Anticipated revenue increase is based on a 10% reduction in the number of tickets issued premised on historical driver behavior which shows that compliance of parking rules increase as fines increase, thus reducing the number of parking tickets issued.

Attached to this report is Appendix A – "Code and By-Law Reference" which provides detailed information regarding the existing and proposed set and fixed fines for identified offences.

If Council adopts the recommended increases 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.

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Attachment: Appendix A – "Code and By-Law Reference"

APPENDIX A – CODE AND BY-LAW REFERENCE

Code Number as Referenced in the Recommendations	Offence subsection in City of Toronto Municipal Code Chapter 950, Traffic and Parking	Current Set Fine Short Form Wording for Offence	Current Set Fine and Fixed Fine Amount	Proposed set fine and fixed fine amount
5	950-405A	PARK- SIGNED HIGHWAY- DURING PROHIBITED (DAY/TIME)	\$40	\$50
11	950-400A(1)(a)	(PARK/STOP) WITH RIGHT FRONT AND RIGHT REAR WHEELS MORE THAN 30 CM FROM RIGHT CURB	\$15	\$30
14	950-400D(1)	PARK - OBSTRUCT (DRIVEWAY/LANEWAY)	\$40	\$50
16	950-400D(3)	PARK - WITHIN 9 M OF INTERSECTING ROADWAY	\$40	\$50
17	950-400E(1)	PARK - SIGNED HIGHWAY - WITHIN 15 M OF INTERSECTION	\$40	\$50
18	950-400E(3)	PARK - SIGNED HIGHWAY - WITHIN 30.5 M OF SIGNALIZED INTERSECTION	\$40	\$50
30	950-400B(1)	STOP - (ON/OVER) (SIDEWALK/FOOTPATH)	\$60	\$150
31	950-400B(6)	STOP - ROAD SIDE - (STOPPED/ PARKED) VEHICLE	\$60	\$150
48	950-400A(1)(b)	FAIL TO (PARK/STOP) PARALLEL TO CURB	\$15	\$30
49	950-400A(1)(b)	FAIL TO (PARK/STOP) PARALLEL - RIGHT-HAND LIMIT OF HIGHWAY	\$15	\$30
50	950-400A(1)(b)	FAIL TO (PARK/STOP) AS NEAR AS PRACTICABLE RIGHT-HAND LIMIT OF HIGHWAY	\$15	\$30
51	950-404B(1)	FAIL TO ANGLE (PARK/STOP) AT 45° ANGLE FROM (CURB/ROADWAY BOUNDARY) WITH FRONT END OF VEHICLE AT CURB	\$15	\$30
52	950-404C	FAIL TO (PARK/STOP) WITHIN DESIGNATED ANGLE SPACE	\$15	\$30
54	950-400A(3)(a)	(PARK/STOP) WITH LEFT FRONT AND LEFT REAR WHEELS MORE THAN 30 CM FROM LEFT-SIDE CURB OF ONE-WAY HIGHWAY	\$15	\$30
55	950-400A(3)(b)	FAIL TO (PARK/STOP) WITH LEFT FRONT AND LEFT REAR WHEELS AS CLOSE AS PRACTICABLE TO LEFT LIMIT OF ONE-WAY HIGHWAY	\$15	\$30
56	950-400A(3)(b)	FAIL TO (PARK/STOP) WITH LEFT FRONT AND LEFT REAR WHEELS PARALLEL TO LEFT LIMIT OF ONE-WAY HIGHWAY	\$15	\$30
77	950-400D(1)	PARK - (IN FRONT/WITHIN 60 CM) OF (DRIVEWAY/LANEWAY)	\$40	\$50
192	950-400F(1)	STAND VEHICLE - SIGNED HIGHWAY - TRANSIT STOP ZONE	\$60	\$150
320	950-402B(1)	PARK NON-BUS VEHICLE - BUS PARKING ZONE - PROHIBITED (DAY/TIME)	\$40	\$150
423	950-503D(2)	STOP VEHICLE - RESERVED/DESIGNATED LANE - PROHIBITED (TIME/DAY)	\$60	\$150