December 19, 2012

A Message from Andy Byford, CEO, TTC

Re: The City of Toronto Ombudsman’s Report into the TTC Donlands and Greenwood Second Exit Projects

The Ombudsman’s Report on the Donlands and Greenwood Second Exit Projects, submitted to City Council at its meeting on October 30, – November 1, 2012, included the TTC’s response indicating agreement with the report recommendations and that TTC initiated major changes in early 2012 to provide dedicated resources and policies regarding consultation and communications with the public regarding construction projects.

As noted above, the TTC accepts all of the recommendations in the Ombudsman Report however I have also publicly indicated that the Ombudsman’s Report contains sections that the TTC either does not entirely agree with, or that the TTC cannot independently verify as correct.

Engineer’s Expert Reports

The Ombudsman’s report notes that, as part of the investigation, an expert engineer was retained to review the technical criteria that TTC used to identify and evaluate locations for Second Exits. The engineer concluded:

- that using rules from two different codes, Ontario building code (OBC) and National Fire Prevention Association (NFPA) 130, does not make sense; and
- in principle any new exit will be an improvement to the evacuation time at a subway station.

The TTC has not been provided with the engineering report that supports the conclusions as set out in the Ombudsman Report and therefore cannot verify if the assumptions and conclusions are correct.

The TTC’s approach of using both the OBC and NFPA 130 to provide guidance on criteria for locating and evaluating Second Exits is reasonable and prudent. Although the technical approach was sound, TTC should have provided better explanations of the technical factors, what is legislated, what is “good practice” and where there is flexibility, and engaged in more effective consultations with the community.
The statement that any Second Exit is an improvement may be true. However, it is positioned in the report as if TTC would or should agree to any Second Exit location because it is an improvement. TTC has a public responsibility to invest wisely and in the public interest. A Second Exit location that does not significantly improve safety at a reasonable cost would not be in the broader public interest.

Unequal Treatment for Donlands and Greenwood Communities

In several sections of the Ombudman’s Report it is suggested that the communities at Donlands Station and Greenwood Station were treated differently by the TTC. Evaluations of options for transit planning must balance a number of factors:
- Policy, Scope, Technical and Environmental Feasibility.
- Budget and Schedule.
- Public and Community Impact.

The TTC’s approach was not to impose a standard template for the Second Exits but to apply the technical criteria, with flexibility where possible, to adapt to the characteristics of each station location. It is unfortunate that the general lack of communication and information contributed to the sense of unequal treatment of the communities.

Failure to Consider Other Options

The Ombudsmans report notes in several places that TTC failed to consider other Second Exit location options. Although TTC identified a preferred option prior to consulting with the public, the project staff made every effort to develop and assess the many options put forward by the community and additional locations identified by TTC. However, they did so in the absence of an effective public consultation approach and evaluation framework.

The conclusions and recommendations as set out in the Ombudsmans Report address, in some part, the TTC’s lack of communication at many levels as the primary contributing factor to the problem and with Donlands and Greenwood Second Exit projects. I accept these findings. The TTC commits to do better, to develop the policies and procedures to work with communities earlier and to engage in effective consultation. However, TTC must also ensure that major projects such as Second Exits are planned and implemented in the broader public interest and in a manner that balances the interests of all three major stakeholders - the local community, TTC customers and the taxpayer.

Sincerely,

Andy Byford
Chief Executive Officer
55-04-03