

ATU Local 113's Submission on Bill 171, the *Building Transit Faster Act*, 2020

1. The Amalgamated Transit Union, Local 113 ("Local 113") welcomes this opportunity to provide feedback on Bill 171 the *Building Transit Faster Act*, 2020.

2. Local 113 has always supported an improved and expanded public transit system. We appreciate the importance of delivering transit projects on time and with minimal disruption to residents and local businesses. In fact, the livelihood of our members depends on the timely expansion and modernization of TTC services.

3. Related to this, Local 113 has a history of staunchly opposing the privatization of transit planning and construction, and in particular, has long challenged this Government's use of public-private partnerships ("P3's") to expand the public transit system in Toronto. P3's lead to the fragmentation of accountability for construction of infrastructure, which results in accidents, costly lawsuits, increased maintenance costs, and ultimately construction delays that negatively impact the economy and increase public dissatisfaction with our transit system.¹ P3's also threaten unionized jobs and promote precarious work arrangements with inferior terms and conditions of employment.

4. There is no better example of the perils of P3's than the Eglinton Crosstown LRT. Its Alternative Financing and Procurement (AFP) process took months and yet was largely shrouded in secrecy, ultimately resulting in unclear

¹ See i.e. <https://www.policyalternatives.ca/publications/monitor/ontario-audit-throws-cold-water-federal-provincial-love-affair-p3s>.

contractual terms and millions of dollars of additional spending.² Construction started over 9 months after plan because Metrolinx and Crosstown Transit Solutions (“CTS”) disagreed on design elements.³ Complicated legal arrangements with the City and other public entities have been required to enable work. At present, Eglinton Crosstown is at least three years behind schedule, well over-budget, and it remains unclear what private entity will ultimately be responsible for providing critical vehicle and infrastructure maintenance when the project is finally complete.

5. In Local 113’s respectful submission, the answer to the delay and public dissatisfaction caused by the privatization of the Eglinton Crosstown is not Bill 171, but rather eliminating P3’s and keeping the TTC and provincial government directly accountable for transit planning and development. What Bill 171 attempts to do instead is fast-track established regulatory safeguards that provide at least a minimal check on how Metrolinx and its private-sector partners undertake construction work. In our view, this Bill places an unprecedented amount of power in the hands of Metrolinx and its contractors, for example by allowing either to remove construction obstructions without any due process, or even expropriate land without a fair hearing process. Giving this type of ministerial power to a Metrolinx is inconsistent with basic notions of governmental accountability or even liberal notions of private property rights. Some of the powers contained in the Bill will fuel further disputes with local business owners and drive more consumers away from Eglinton Ave, in a time where there is a critical need for economic regrowth.

² See i.e.: <https://www.theglobeandmail.com/politics/article-auditor-finds-metrolinx-spent-237-million-to-rescue-crosstown-light/>

³ See i.e. <https://www.cbc.ca/news/canada/toronto/eglinton-crosstown-lrt-open-2022-1.5466847>

6. It may appear that these concerns are far removed from the work of Local 113's members, but they are not. Metrolinx seems to have the power under the Act to unilaterally direct the TTC to move its existing bus stops along Eglinton Ave, or even to close roads, re-routing normal TTC service. We are also concerned about s. 61(1), which purports to allow Metrolinx to delegate the powers it is provided under parts of the Act to any "entity" it engages to plan or construct aspects of these transit projects. Providing this type of power to CTS and other private entities is irresponsible. Only public entities should have the ability to make these kind of decisions, based on a holistic assessment of the broader public interest, with the appropriate accountability checks in place.

7. Ultimately, an efficiency-at-all-costs approach will result in lower quality transit infrastructure, which can pose a danger to TTC operators and public transit riders in the years to come. Any step away from public oversight and accountability for the construction of massive transit projects is a misstep.

8. In our submission, at a minimum the Bill should be revised to ensure that Metrolinx and its contractors are accountable to stakeholders in the community for the impacts of construction. For example, the Bill should be amended to make it clear that TTC and its workers will be compensated for any service delays or lost work caused by the actions taken by Metrolinx or other entities under this Bill. The Bill should also provide some process whereby other stakeholders can apply for compensation for actions taken under the Bill, for example where Metrolinx's decision increase noise, result in utility service disruption, or decrease access to local

businesses along Eglinton. All of these things have the ability to decrease transit usage, which ultimately threatens the work of our members.

Respectfully,

Carlos Santos

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