



**Office of the
Auditor General**
City of Ottawa

Limited Review of OC Transpo Bus Operator Compliance with Regulations



June 2022

Table of Contents

Acknowledgement 1

Introduction 2

Background and context..... 2

Review objective and scope..... 3

Conclusion and recommendation 3

Acknowledgement

The team responsible for this review was comprised of Louise Proulx, from the Office of the Auditor General, under the supervision of Joanne Gorenstein, Deputy Auditor General and my direction. My colleagues and I would like to thank those individuals who contributed to this project, and particularly, those who provided insights and comments as part of this review.

Respectfully,



Nathalie Gougeon, CPA, CA, CIA, CRMA, B.Comm
Auditor General

Introduction

As a result of many Fraud and Waste Hotline (FWHL) reports, the Office of the Auditor General (OAG) conducted a limited review of OC Transpo Bus Operators' compliance with the Ontario *Highway Traffic Act* (HTA) and internal policies and procedures.

Background and context

The City of Ottawa (or the “City”) is committed to protecting its financial resources, property, information and other assets from any attempt either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees, to gain financial or other benefits by deceit or by any other illicit means. The City is committed to implementing measures to detect, investigate and report incidents of fraud or waste. The City’s FWHL facilitates this by allowing secure and anonymous reporting of suspected instances of fraud or waste involving City personnel, resources, operations, or vendors. The FWHL is administered by the OAG as an independent body.

Over the past eight months, the FWHL has received over 400 reports, similar in nature, that allege violations of the Ontario HTA and internal City policies and procedures. The reporter(s) alleges that they have observed several violations by OC Transpo Bus Operators, at specific City intersections, including departing from the bus stop without activating the left side signal light, turning right without stopping at a stale yellow light, running a solid red light, stopping at a fast-food establishment during a route, and driving with no hands on the steering wheel.

Management initially investigated this matter in August 2021 through staff interviews and conducted on location observations on five separate dates in November and December 2021. Management has indicated that OC Transpo Special Constables collected observations and observed only 5 instances out of a total of 83 buses observed, where the operator failed to signal properly when leaving the stop. We understand that because of management’s investigation, several Bus Operators were identified and reminded of their obligation to always follow all Ontario HTA regulations. In addition, on March 1, 2022, the Acting Chief Safety Officer sent a memo to Transit Operations and Transit Fleet & Facilities Maintenance on Transitway Safety – Signalling.

Despite the actions taken by management, the OAG continued to receive frequent reports alleging that the issues, at specific intersections, were ongoing. As a result, we

undertook our own limited review to assess the merit to any of the broad issues identified in the FWHL reports.

Review objective and scope

The objective of this limited scope review was to assess the concerns raised through the FWHL and provide a fact-based account of the circumstances surrounding specific alleged instances of non-compliance with the Ontario HTA.

The approach taken was to complete limited on-site observation, on three separate days, for compliance with the identified requirements of the Ontario HTA that were raised through the FWHL reports. Our on-site review was completed in April 2022.

Readers are cautioned about the important distinction between a review and an audit. Audits are designed to provide a high level of assurance over its findings and will typically feature rigorous testing and analysis. While this review was conducted in a systematic and professional manner, the extent of activities undertaken by the OAG was narrow compared to an audit.

Observations and recommendation

Violation of Section 142(2) of the Ontario HTA

Even with limited on-site observation, we were able to confirm one of the key compliance issues raised in the complaints. Specifically, we found that for 67% of observed buses, the Bus Operators did not signal as they departed the bus stop at one of the intersections specified in the FWHL reports. This violates Section 142(2)¹ of the Ontario HTA.

Non-Compliance with Parking and Security Protocols

It was also observed during the on-site observation that a Para Transpo Operator left their vehicle unlocked, running and unattended to purchase food at a fast-food establishment in violation of the City's idling procedures and the City's vehicle safety practices. We believe that the vehicle was left running because the lights remained on for the approximate seven minutes that the Operator was away from the vehicle that also appeared to be unlocked. When the driver returned to the vehicle, the lights remained on for some time which led us to conclude the vehicle continued to idle.

¹ Signal when moving from parked position, R.S.O. 1990, c. H.8, s. 142 (2).

OC Transpo's Hot and Cold Weather Bus Idling Procedures indicates that all bus engines are to be shut down when lay-up is expected to exceed seven minutes. These requirements are based on the outside ambient temperature (above -5°C or below +27°C), as reported by Environment Canada. On the day and time of the observation, the outside temperature was 1.5°C. As such, the Bus Operator was in violation of the OC Transpo Hot and Cold Weather Bus Idling Procedures.

In addition, the City of Ottawa Fleet Safety and Commercial Vehicle Operator's Registration (CVOR) Management Program outlines the safety standards and expectations for persons who drive, or supervise drivers, of City of Ottawa vehicles or mobile equipment. The section **Parking and Security** specifies that:

- "City of Ottawa vehicle/equipment drivers must always properly secure the vehicle. Properly secured vehicles/ equipment ensures the security of the driver, vehicle, and contents of the vehicle/equipment"; and,
- "Keys must be removed, and the parking brake applied (transmission in the appropriate park gear) when the vehicle is unattended."

As such, we believe that the decision to leave a City vehicle running and unattended while going into a fast-food establishment to purchase food was not consistent with the City's vehicle safety practices and policies and represented an unnecessary risk.

We have concluded that OC Transpo Bus Operators have not altered their behavior as a result of the communication circulated by management in March 2022. Operators continue to violate Section 142(2) of the Ontario HTA and internal policies designed to enhance road/driving safety.

RECOMMENDATION 1 – CONSISTENT COMPLIANCE WITH ONTARIO *HIGHWAY TRAFFIC ACT*

The Chief Safety Officer, Transit Services should develop a strategy (e.g., training, monitoring, escalation, enforcement and additional communication) to reinforce compliance by Bus Operators with the Ontario HTA and applicable internal procedures and practices.

MANAGEMENT RESPONSE 1

Management agrees with the recommendation.

OC Transpo has in place a number of safety program and initiatives, including speed enforcement program, refresher training for operators and regular communications with staff to provide safety reminders and updates. Management will be enhancing these programs in response to the Auditor's recommendation through an action plan including:

- Revising performance management programs in order to identify and address specific instances of bus operator non-compliance to laws, regulations and procedures. The performance management program will be updated by Q1 2023, and regularly reviewed and revised as required on an ongoing basis.
- Developing and implementing a focused awareness campaign on compliance to the *Highway Traffic Act* and key OC Transpo Standard Operating Procedures (SOPs) by all OC Transpo vehicle operators. This action item will be completed by Q3 2022.
- Adjusting the New Bus Operator Training (NBOT) Program to enhance focus on awareness and compliance with the *Highway Traffic Act*. This action item will be completed by Q3 2022.
- Conducting weekly Service Meetings between Transit Safety, Regulatory Compliance and Training and transit operations with a focus on *Safe and Reliable Service*. The weekly meeting will bring forward safety topics related to driver behaviour and focus the attention of transit supervisors. This action item will be completed by Q3 2022.
- Sharing the results of the investigation with the relevant Bus Operators. This action item will be completed by Q2 2022.

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<https://integritycounts.ca/org/cityofottawa> / **1-866-959-9309**