

CROSSING GUARD REPORT- REQUEST FOR ADDITIONAL INFORMATION

(Referred from the Budget Committee Meeting of March 31, 2004)

The Budget Committee at its meeting of March 31, 2004 recommended:

- 1) That staff provide a further report with recommendations relating to the provision of an appropriate level of service for Crossing Guards; and
- 2) That the following report of the Commissioner of Legal & Administrative Services and the Director of Human Resources, dated March 31, 2004, be received.

Recommendation

The Commissioner of Legal & Administrative Services and the Director of Human Resources, in consultation with the Commissioner of Engineering & Public Works, recommend that:

The Crossing Guard Report, requested by the Budget Committee at the meeting of February 27, 2004 be received.

Purpose

To provide the Budget Committee with requested additional information on the current crossing guard program, data on other municipalities and information on the relevant legislation governing the provision of crossing guards.

Background - Analysis and Options

At the Budget Committee meeting of February 27, 2004, staff were directed to provide a report on a number of issues pertaining to the provision of crossing guards.

The Human Resources Department, in partnership with the Legal Department and the Engineering Department, has provided the requested information in documents attached to the report.

The Highway Traffic Act, R.S.O. 1990, in Section 176 references school crossings and school crossing guards. The detailed information is provided in the attachment however, Boards of Education are precluded from authorizing persons to act as school crossing guards.

When comparing the level of service between the various municipalities, an important consideration is the ratio of crossing guards to schools. Comparative data was sourced from six GTA municipalities including Mississauga, Richmond Hill, Markham, Brampton, Oakville and Burlington. The range of population, the number of schools serviced and the complement of crossing guards is reported for each municipality. Oakville and Burlington have higher ratios than Vaughan.

Another consideration when looking at the cost of the school crossing guard program is the current rate of pay at \$12.00 per hour. This rate of pay was directed through Council in May 2003. This rate of pay is the highest amongst all comparator municipalities. Vaughan currently pays this group of non-union employees at the 100th percentile amongst these comparator municipalities (as compared to the administrative/management non-union positions where the Council approved pay line policy is the 50th percentile).

Conclusion

Crossing Guards provide an increased level of safety to the children of Vaughan as they make their way to school each day. The current crossing guard program, administered by the City of Vaughan, contributes to the safety of our children. Consequently, the potential for cost savings must be focused on the number of crossing guards, the rate of pay and the associated supply and equipment costs.

Attachments

Review of Applicable Legislation - Legal Services Department
Municipality Comparison – Human Resources Department
Process for Guard & School Placement – Engineering Department & Human Resources Department

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Legal advice obtained from Carolyn Stobo, Solicitor – City of Vaughan.

I have reviewed the *Municipal Act, 2001*, S.O. 2001, c.45 and have not been able to find a specific reference to school crossing guards. Similarly I checked the *Education Act* and again find no such specific reference. However, in reviewing the *Highway Traffic Act*, R.S.O. 1990, c. H.8, there is reference at section 176 to school crossings, school crossing guards, etc.

Section 176 of the HTA reads as follows:

School crossings

176. (1) In this section,

“school crossing guard” means a person sixteen years of age or older who is directing the movement of children across a highway and who is,

(a) employed by a municipality, or

(b) employed by a corporation under contract with a municipality to provide the services of a school crossing guard. R.S.O. 1990, c. H.8, s. 176 (1).

School crossing guard shall display sign

(2) A school crossing guard about to direct children across a highway with a speed limit not in excess of 60 kilometres per hour shall, prior to entering the roadway, display a school crossing stop sign in an upright position so that it is visible to vehicular traffic approaching from each direction. R.S.O. 1990, c. H.8, s. 176 (2).

Vehicles approaching sign

(3) Where a school crossing stop sign is displayed as provided in subsection (2), the driver of any vehicle or street car approaching the stop sign shall stop before reaching the crossing. R.S.O. 1990, c. H.8, s. 176 (3).

Display of school crossing stop sign

(4) A school crossing guard shall not display on a highway a school crossing stop sign under any circumstances other than those set out in subsection (2). R.S.O. 1990, c. H.8, s. 176 (4).

Idem

(5) No person other than a school crossing guard shall display on a highway a school crossing stop sign. R.S.O. 1990, c. H.8, s. 176 (5).

Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of school crossing stop signs. R.S.O. 1990, c. H.8, s. 176 (6).

In the event your report is to canvass whether the municipality should not be responsible for employing and providing school crossing guards, but rather some other body such as the Boards of Education, the following information may be of assistance.

The reference to "employed by a municipality" or "employed by a corporation under contract with a municipality" in subsection 176(1) of the HTA is indicative of this being a municipal responsibility, since the guard/officer will be directing traffic on a municipal highway or roadway and accompanying persons across a municipal highway or roadway. But, it does not appear to be mandatory for a municipality to employ crossing guards or to contract with a corporation to provide the municipality with school crossing guards.

A Board of Education could not authorize persons to act as school crossing guards, given the meaning of that term set out in subsection 176(1) of the HTA. In addition, through the *Municipal Act, 2001*, municipalities have been given continued jurisdiction over highways/roadways within the municipality, except for provincial highways. Therefore, a Board of Education would not have the authority for its employees to be on the municipal highways/roadways directing traffic.

Municipality Comparison

Municipality	Population	# of F.T Guards	# of Stand by Guards	Total Guards	# of Schools
	Approx. numbers				
VAUGHAN	220,000	99	17	116	54
MISSISSAUGA	600,000	180	18	198	116
RICHMOND HILL	152,000	28	3	31	30
MARKHAM	235,000	61	5	66	53
BRAMPTON	372,000	125	14	139	110
OAKVILLE	152,400	84	6	90	38
BURLINGTON	151,000	87	11	98	38

Step by Step Process for Guard and School Placement

Process

Explanation



