



STAFF REPORT INFORMATION ONLY

Toronto Police Services Board: Request for Increased Police Enforcement of Parking Regulations on Bicycle Lanes in Toronto

Date:	December 15, 2009
To:	Executive Committee, City of Toronto
From:	Pam McConnell, Acting Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to advise the Executive Committee about the Toronto Police Services Board's response to a request for increased police enforcement of parking regulations on bicycle lanes in Toronto.

FINANCIAL IMPACT

There are no financial implications in regard to the receipt of this report.

ISSUE BACKGROUND

At its meeting of November 19, 2009, the Toronto Police Services Board (the Board) was in receipt of correspondence dated October 30, 2009 from A. Milliken Heisey with regard to the need for an increase in the enforcement of parking regulations on bicycle lanes in Toronto.

The Board was also in receipt of correspondence dated November 18, 2009 in which I, as the councillor in a downtown ward that has a number of bicycle lanes, indicated my support for the recommendations made by Mr. Heisey. A copy of the correspondence is appended to this report for information.

COMMENTS

The following persons were in attendance and delivered deputations to the Board:

- A. Milliken Heisey
- Yvonne Bambrick, Executive Director, Toronto Cyclists Union *
- Smokey Dymny

* written submission also provided; copy on file in the Board office.

Following the deputations and a discussion with the Chief of Police regarding this matter, the Board approved the following Motions:

1. THAT the Board receive the deputations, the correspondence from Mr. Heisey and the photograph from Mr. Grange and refer them to the Chief of Police, the City Executive Committee, the City Manager and the Toronto Cycling Advisory Committee;
2. THAT the Board receive the written submissions and the correspondence from Councillor McConnell;
3. THAT, consistent with the Business Plan priority on traffic and pedestrian safety, the Board indicate its support for a more effective strategy to support cycling in the City of Toronto, including enhanced enforcement of dedicated bicycle lanes and a review of the fines, and request that the Chief work with the City Manager to collaboratively address the issues raised and develop a comprehensive strategy in partnership;
4. THAT the Chief provide a report back to the Board on the results of these discussions in six months; and
5. THAT the Chief's report noted in Motion No. 4 also include the possible changes to Service Procedures as they relate to police vehicles and the rules governing when it is appropriate to park in or occupy bicycle lanes.

CONCLUSION

A copy of Board Minute No. P301/09, in the form attached as Appendix "A", regarding this matter is provided for information.

A copy of a photograph provided by Mr. Grange regarding the cycling system in Utrecht, The Netherlands, is attached as Appendix "B".

CONTACT

Alok Mukherjee, Chair
Toronto Police Services Board
Telephone No. 416-808-8080
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SIGNATURE

Pam McConnell
Acting Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P301/09

Appendix B – Photograph circulated by Board Member Hamlin Grange

cc. Mr. Cam Weldon, Acting Deputy City Manager and Chief Financial Officer
Councillor A. A. (Adrian) Heaps, Chair of the Toronto Cycling Committee

A: parking regulations on bicycle lanes.doc

Appendix A

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 19, 2009

#P301. REQUEST FOR INCREASED POLICE ENFORCEMENT OF PARKING REGULATIONS ON BICYCLE LANES IN TORONTO

The Board was in receipt of the attached correspondence dated October 30, 2009 from A. Milliken Heisey with regard to the need for an increase in the enforcement of parking regulations on bicycle lanes in Toronto.

The Board was also in receipt of correspondence dated November 18, 2009 from Pam McConnell, Councillor and Vice-Chair of the Board. A copy of Councillor McConnell's correspondence is appended to this Minute for information.

Mr. Heisey was in attendance and delivered a deputation with respect to his correspondence.

The following were also in attendance and delivered deputations:

- Yvonne Bambrick, Executive Director, Toronto Cyclists Union *
- Smokey Dymny

* written submission also provided; copy on file in the Board office.

Dr. Mukherjee advised that the Board had received 406 written submissions from citizens who supported Mr. Heisey's request for improvements to the enforcement of parking regulations on the bicycle lanes. The Board office printed and responded to the first 155 written submissions; copies on file in the Board office.

Chief Blair explained the Service's role in enforcing the parking regulations and said that two members of Traffic Services are involved with the City's cycling committee and that the Traffic Services-Community Policing Liaison Committee includes representatives from the cycling organizations.

Chief Blair also explained the reasons why emergency services vehicles should not be prohibited from parking in bicycle lanes when they are responding to emergencies. The Board noted that accessible service vehicles, such as Wheel-Trans, should be permitted to stop in bicycle lanes.

In response to comments about the dangers that cyclists experience while cycling on Toronto roads, Chief Blair also said that cyclists have a responsibility to stop at signalized intersections and to yield to vehicles turning right.

The Board noted that significant improvements are required to the city's infrastructure in order to facilitate an efficient cycling system in Toronto. Board Member Hamlin Grange circulated a photograph he took recently of a cycling system in Utrecht, The Netherlands, as one example of an efficient urban cycling system.

The Board approved the following Motions:

- 1. THAT the Board receive the deputations, the correspondence from Mr. Heisey and the photograph from Mr. Grange and refer them to the Chief of Police, the City Executive Committee, the City Manager and the Toronto Cycling Advisory Committee;**
- 2. THAT the Board receive the written submissions and the correspondence from Councillor McConnell;**
- 3. THAT, consistent with the Business Plan priority on traffic and pedestrian safety, the Board indicate its support for a more effective strategy to support cycling in the City of Toronto, including enhanced enforcement of dedicated bicycle lanes and a review of the fines, and request that the Chief work with the City Manager to collaboratively address the issues raised and develop a comprehensive strategy in partnership;**
- 4. THAT the Chief provide a report back to the Board on the results of these discussions in six months; and**
- 5. THAT the Chief's report noted in Motion No. 4 also include the possible changes to Service Procedures as they relate to police vehicles and the rules governing when it is appropriate to park in or occupy bicycle lanes.**

A. Milliken Heisey

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October 30, 2009

Toronto Police Services Board
30 College Street
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Chairman Mukherjee and Members of the Toronto Police Services Board:

I am writing to you as a year round cyclist who has been riding a bicycle on Toronto streets on a daily basis for the better part of 35 years.

During that time tremendous strides have been made by the City of Toronto in providing cycling infrastructure to provide greater protection for cyclists thus encouraging more members of the public to cycle in their daily routine.

35 years ago it was very lonely riding on Toronto streets particularly in the winter. There are now occasions where on dedicated cycling routes such as St George Street and Beverly Street located in Councillor Vaughan's Ward there are sometimes more cyclists than cars waiting at intersections.

It is my observation that police enforcement of parking regulations on bicycle lanes has not kept up with the provision of such facilities and one of the primary functions of such lanes is as a lay by for motorists, taxis, couriers, utility companies and other public agency vehicles for short term parking.

Two Saturdays ago my family and I rode our bicycles up the Sherbourne Street bicycle lane to visit my brothers family for dinner on a Saturday evening. We started at Queens Quay and Sherbourne and rode all the way up to Bloor Street East.

This is the only continuous bicycle route that connects Bloor Street to Lakeshore in the entire downtown area.

My wife and I had our 5 and 7 year old children on the backs of our bicycles.

Between Bloor and Queens Quay there were 5 cars illegally stopped blocking the bicycle lane.

This endangered my family as every time we came to an illegally parked car we had to risk veering out into traffic to go around the cars which were not about to move for our family.

We rang our bells etc no response.

We then got just south of Bloor.

Motorists northbound turning east onto Bloor Street East completely blocked the bicycle lane for a distance of about 30 metres. The bicycle lane was completely ignored.

In the last week I have observed, Canada Post vehicles, private courier companies van, too many taxis to count and utility company vehicles, etc. all obstructing bicycle lanes throughout the downtown.

Unfortunately the City of Toronto has not adopted bicycle lanes protect by curbs and bollards as in Holland and numerous progressive North American cities and is content to pretend that a painted line on the road is protection for cyclists. Failing the actual physical separation of these lanes from vehicular traffic the only way to address the problem is better enforcement and higher fines.

The following relevant excerpts can be found in the Toronto Police Service 2009-2011 Business Plan

Priority: Ensuring Pedestrian and Traffic Safety

The safety of pedestrians, cyclists, and drivers and the safe and efficient flow of traffic are, therefore, of significant concern to the Toronto Police Service.

Performance Objectives/Indicators:

- ◆ decrease in number of road-related injuries to pedestrians
- ◆ decrease in number of road-related injuries to cyclists
- ◆ increase in pedestrian perception of safety
- ◆ increase in cyclist perception of safety

I am requesting that the Police Services board to adopt the following recommendations for action

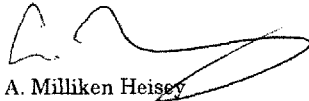
1. Direct the Toronto Police Service to develop a policy and protocol as to when it is permissible for a Service vehicle to park within a bicycle lane perhaps providing that unless a Service member is on a true emergency where time is critical and being parked in such a location warrants the risk in endangering cyclists they are to leave the bicycle lane unobstructed and block the vehicular lane.

As an example when a police car pulls over a vehicle over the side of the road should they pull over to the curb and obstruct the bicycle lane, or pull over and leave the bicycle lane unobstructed?

2. Request the Toronto Police Service to report on the enforcement of no parking in bicycle lanes by the Service and how it could be improved
3. Re-examine the proposal by Vice Chair McConnell and myself made over 5 years ago when I was on the board to achieve changes to provincial legislation to allow photo monitoring of transit and bicycle lanes and the imposition of fines for illegal stopping and parking based on photo evidence like red light cameras. This proposal was endorsed as feasible in a report by the Toronto Police Service but was unfortunately defeated by the Board at that time.
4. Determining what role there is or could be at the Toronto Licensing Commission to assist the Toronto Police Service in enforcing the observance of parking regulations in bicycle lanes and transit routes by the Toronto Taxi and Courier industries.
5. Examine the fine structure for parking illegally in dedicated bicycle lanes and recommend higher fine levels to City Council that would achieve higher levels of compliance. I find it ironic to be obstructed and endangered in bicycle lanes by Ambulances and Wheeltrans Vehicles. Parking in such a location helps ensure that more cyclists will have the need of these services as a result of accidents arising from what I believe is a dangerous practise by emergency and public transit providers for cyclists.
6. Undertake a Board review whether physically separated bicycle lanes create greater cyclist safety and if so, recommend to the City of Toronto the greater implementation of separate bicycle lanes.

Thanks for your consideration.

Yours very truly,



A. Milliken Heisey

AMH:hls

Enc.

Cc: Toronto Cyclists Union

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 21, 2004**

#P196. PHOTO-MONITORING – TRAFFIC CLEARWAYS

The Board was in receipt of the following report JUNE 01, 2004 from Julian Fantino, Chief of Police:

Subject: PHOTO-MONITORING ~ TRAFFIC CLEARWAYS

Recommendation:

It is recommended that: the Board receive the following report for information.

Background:

At its April 29, 2004 meeting, the Board requested that I provide a report on the feasibility of implementing photo-monitoring for enforcement purposes, in traffic clearways and priority lanes (Board Minute P137/04 refers).

The City of Toronto has a road network of 5,345 kilometres, including 45 kilometres of expressways. There are 1.2 million vehicles registered to individuals and companies in the City and 1.3 million vehicles travel in and out of the City on a daily basis. Peak traffic volumes of approximately 100,000 vehicles occur between the hours of 8:00 am to 9:00 am and from 5:00 pm to 6:00 pm. The volume of vehicles travelling on our roadways, the lack of road expansion, ongoing roadway construction and the exhausted load bearing capacity of our roadways has contributed to the congestion which is seen on our streets daily.

In an effort to improve traffic flow, the City, identified a number of traffic clearways and priority lanes throughout the City. Depending on the location, use of these lanes, during the identified time periods, is restricted to Toronto Transit Commission (T.T.C.) buses and streetcars, taxi cabs and passenger vehicles with more than three occupants.

The efficient flow of authorized vehicles travelling within these lanes is the key to their success. In essence, the timely passage of these vehicles ensures commuters arrive at their destinations quicker while improving public perception of the reliability of the lanes which may lead to increased usage of public transportation and car pooling. All important steps in reducing congestion on our roadways.

The following chart outlines the 16 locations within the City that currently have priority lanes;

Street	Location	Restrictions		Authorized Vehicles
		Day	Hours	
Bay Street	Wellington Street West to Yorkville Avenue	Monday to Friday	7:00 am to 7:00 pm	T.T.C. buses, taxi cabs, bicycles
Eglinton Avenue West	Oakwood Avenue to Richardson Avenue	Monday to Friday	7:00 am to 9:00 am; 4:00 pm to 6:00 pm	T.T.C. buses, taxi cabs, bicycles
Eglinton Avenue West (eastbound only)	Old Forest Hill Road to Duplex Avenue	Monday to Friday	7:00 am to 9:00 am; 4:00 pm to 6:00 pm	T.T.C. buses, taxi cabs, bicycles
Eglinton Avenue East (eastbound only)	Dunfield Avenue to Brentcliffe Road	Monday to Friday	7:00 am to 9:00 am; 4:00 pm to 6:00 pm	T.T.C. buses, taxi cabs, bicycles
King Street West (streetcar lane)	Dufferin Street to John Street	Monday to Friday	7:00 am to 9:00 am; 4:00 pm to 6:00 pm	T.T.C. streetcars, taxi cabs
King Street East (streetcar lane)	Jarvis Street to Parliament Street	Monday to Friday	7:00 am to 9:00 am; 4:00 pm to 6:00 pm	T.T.C. streetcars, taxi cabs
Don Mills Road	Overlea Boulevard to Finch Avenue East	Monday to Friday	7:00 am to 10:00 am; 3:00 pm to 7:00 pm	T.T.C. buses, taxi cabs, HOV*
Overlea Boulevard	Millwood Road to Don Mills Road	Monday to Friday	7:00 am to 10:00 am; 3:00 pm to 7:00 pm	T.T.C. buses, taxi cabs, HOV*
Pape Avenue	Danforth Avenue to Donlands Avenue	Monday to Friday	7:00 am to 9:00 am; 4:00 pm to 6:00 pm	T.T.C. buses, taxi cabs, HOV*
Eglinton Avenue East	Leslie Street to Cedar Drive	Monday to Friday	7:00 am to 10:00 am; 3:00 pm to 7:00 pm	T.T.C. buses, taxi cabs, HOV*
Yonge Street	Bishop Avenue to Steeles Avenue	Monday to Friday	7:00 am to 10:00 am; 3:00 pm to 7:00 pm	T.T.C. buses, taxi cabs, HOV*
Dufferin Street/Allen Road	Transit Road to Finch Avenue West	Monday to Friday	7:00 am to 10:00 am; 3:00 pm to 7:00 pm	T.T.C. buses, taxi cabs, HOV*
Dundas Street West	Etobicoke Creek to Auckland Road	Monday to Friday	7:00 am to 10:00 am; 3:00 pm to 7:00 pm	T.T.C. buses, taxi cabs, HOV*
Spadina Avenue	Sussex Avenue to Queens Quay West	All days	All times	Median dedicated streetcar line
Queens Quay West	Waterpark Place to Bathurst Street	All days	All times	Median dedicated streetcar line
Bathurst Street	Queens Quay West to Lakeshore Boulevard West	All days	All times	Median dedicated streetcar line

* High Occupancy Vehicle (HOV) ~ three or more occupants

Current Enforcement Activity:

The current legislation to support enforcement activity of these designated lanes is found in two acts. Lanes located on the 'old' Metropolitan Toronto roadways are governed by the Municipality of Metropolitan Toronto By-law 132/93 Section 3(a);

'Drive non-designated vehicle in reserved lane during prohibited hours'

and the lanes located on Toronto roadways are governed by the City of Toronto Municipal Code Chapter 400-21 section C(1);

'Drive Vehicle Designated Lane'

The out of court fine is \$65.00 plus a \$15.00 Victim Fine Surcharge. An offence has been made out when an unauthorized vehicle travels in excess of 45 metres within the designated lane before or after an intersecting roadway where the vehicle had an opportunity to exit or enter from.

A continued high visibility presence of police officers pro-actively enforcing violations in a particular area will result in a change in driving behaviour. This has been reflected anecdotally after a recent enforcement initiative on Don Mills Road.

Photo-Monitoring:

Legislation:

In recent history, two photo-monitoring programs, for enforcement purposes, have been enacted in the Province of Ontario. The first, which amended the Highway Traffic Act (H.T.A.) to permit the use of photo radar on Provincial highways, was proclaimed into law on August 15, 1994 and subsequently repealed on July 5, 1995.

The second program, the red-light camera pilot project, amended the H.T.A. to enable municipalities to use evidence obtained from red-light cameras. This amendment was proclaimed into law on November 20, 2000. The initial pilot project was for a two year period, however, it was extended and will now finish on November 19, 2004.

While both programs use photo-monitoring technology, each program required independent legislation to amend different sections of the H.T.A. and to create independent Provincial Regulations. As a result, the only remaining program and supporting legislation, is specific to red-light offences and photo-monitoring enforcement can only be used for that purpose.

In order to proceed with a program that would use photo-monitoring for enforcement of traffic clearways and priority lanes, the Provincial government would have to provide a new updated statutory framework, amendments to the H.T.A. to allow municipalities to create owner liability offences, a procedural code outlining appropriate devices for use and outlining the grounds that any appeals may be launched.

Technology:

The short time frame required for this report did not allow for an in-depth analysis of various technologies that may be available for this purpose. The supplier, to the City, of the red-light cameras presently being used in the pilot project was consulted on the feasibility of this initiative and provided the following information.

The current red-light camera system operates using a combination of 'loops' embedded in the roadway and a single mode camera. The 'loops' determine the speed for the vehicle using the distance between the axles and simple time/distance calculations. If the vehicle speed exceeds the calculated threshold for the vehicle to stop in time when facing a red-light at the intersection, the second 'loop' activates the camera and takes the picture of the vehicle disobeying the light.

The supplier has suggested that an installation similar to the present red-light camera system, with slight modifications, should provide the necessary technology to support this initiative. Having said that the supplier has indicated that this would be a new use for their technology and that they have not used it in this manner yet.

A dual mode camera, capable of providing both a still photograph and video image would be required for this application. In this installation the 'loops' embedded in the roadway capture an image of the underside of a vehicle. Each image is unique to a specific vehicle and using the distance between the axles any unauthorized vehicle would be identified and the video mode of the camera would be activated. Once the vehicle has passed over the subsequent 'loops' providing sufficient evidence to support a charge, a 'still' photograph of the vehicle is generated to identify the vehicle.

The installation includes any necessary road markings, landmarks and signs that would be required to reference distances and locations. The locations would be heavily signed to encourage a modification of driver behaviour and reduce violations.

Prosecution of Offences:

Jean Gillespie, Supervisor of Prosecutions, City of Toronto, was consulted and indicates that with the appropriate legislation in place, prosecution of photo-monitoring offences for traffic clearways and priority lanes would be possible.

Program Administration:

An infrastructure is required to administer and process the images. Traffic enforcement is a police function and in order to ensure the programs success and creditability it is necessary that the Service manages and controls the program. It is difficult to predict the number of offences that maybe captured by this program, which in turn makes it difficult to assess staffing requirements.

Michael Brady, Manager, Red-Light Camera Operations Unit, City of Toronto, Works and Emergency Services, indicates that there are presently five part-time provincial offences officers, and two administrative clerks assigned to administer the red-light camera pilot project. This section is however used by all jurisdictions that are participating in this pilot project provincially. Presently this section processes approximately 85,000 images a year from red-light offences generated by camera locations within the City of Toronto.

With this infrastructure already established, Mr. Brady has indicated that this section would be in a position to initially assist with administering the photo-monitoring program with the necessary authorizations remaining with the Service.

Program Expenditures:

The cost for each camera location, which includes the installation of the camera, 'loops' and signage is approximately \$140,000. There are a number of options available to finance this program including;

- Outright purchase of the necessary equipment including the processing software. The City chose this option for the red-light camera pilot project and administers the project themselves.
- Paying a flat monthly fee to the supplier who is then responsible to administer the program including processing offences, repairing and upgrading equipment when required.

Operational costs in order to administer and control the program relate to police officer(s) salaries. For each Sergeant position identified, salary and benefits total \$91,776 per year and for each Constable position identified, salary and benefits total \$80,502 per year.

Program Limitations, Issues and Concerns:

- There presently is no legislation to support this type of enforcement.
- Photo-monitoring for enforcement purposes must be used to augment traditional police enforcement in problematic areas and tied to improving road safety.
- Criteria for the placement of the cameras must be established to ensure they are placed in appropriate locations that will have the greatest impact on traffic flow, that will provide sufficient evidence to support a prosecution while limiting defence arguments.
- The use of this technology is not feasible in designated lanes that allows vehicles to carry three or more occupants (HOV) as the image produced is not capable of clearly identifying the number of occupants of a vehicle. As a result, this technology can not be deployed on 10 of the 16 priority lanes previously noted in this report.
- Large capital outlay to enforce approximately 14 kilometres of designated lanes for a limited number of days and hours.
- This technology cannot ascertain the difference between a taxi cab, which is authorized to use a designated lane, and a passenger vehicle which is not. As a result images will be generated for taxi cabs which must be vetted before processing.
- This technology may not identify some of the larger sports utility vehicles as unauthorized vehicles.
- A dual mode camera is required to provide a video image that will clearly show an offence. A single photo image simply shows a specific vehicle in a designated lane, as a snap shot in time. This image will not provide any possible lawful reasons that

the vehicle may be in the designated lane such as it is going to turn right, a roadway obstruction, it has broken down or the driver is fulfilling their responsibilities under the H.T.A. when an emergency vehicle is approaching.

- Congestion within a designated lane may not allow for a clear image to be taken of an offending vehicle(s) as a result of the site lines that must be established to ensure that the camera functions properly.
- It would be speculation as to the cost to process an offence captured by photo-monitoring in priority lanes, however, at the present time it costs approximately \$40.00 to process a red-light camera offence which includes the cost of the equipment, detection of the offence and the prosecution of the charge.
- The T.T.C. has just begun to examine this issue. HOV lanes are not included in this process. It is anticipated that this process may take up to two years to complete.

Conclusion:

In an all out effort to make our roads safer, traffic enforcement has been designated as a core responsibility for all police officers during the course of their daily duties. The Service's goal is to reduce collisions and incidents of poor driving behaviour, thereby reducing needless deaths and injuries occurring daily on Toronto's roadways.

Technology does exist to support photo-monitoring for enforcement purposes of traffic clearways and priority lanes. The ability to put in place the essential infrastructure including capitol costs, supporting legislation, administration and prosecution of offences is necessary to ensure the success of the program.

Through innovative initiatives the City's roadways will become safer and the quality of life for all Toronto's citizens will be significantly improved.

Acting Deputy Chief, David Dicks, Policing Support Command, will be present to answer any questions.

Supt. Steve Grant, Traffic Services, was in attendance and responded to questions by the Board about this report.

The Board received the foregoing report and requested that a copy be forwarded to the City of Toronto - Chief Administrative Officer for information.

Pam McConnell



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City of Toronto

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November 18, 2009

Toronto Police Services Board
40 College St.
Toronto, Ontario M5G 2J3

To: Members of the Toronto Police Services Board

From: Pam McConnell

Re: Item 5 – Correspondence from A. Milliken Heisey

Dear Colleagues,

I am writing to express my support for the recommendations that are before you today, arising out of the correspondence from Mr. A. Milliken Heisey, regarding police enforcement and parking regulations on bicycle lanes.

As many of you know, I represent a ward in downtown Toronto that has a number of bicycle lanes, including an important north-south connection on Sherbourne St. Given the volume of multiple modes of transportation on our busy roadways, there is an ever present competition for space. Due to the risk of conflict between these modes, it is important for us to protect space that is designated for specific users. My office has received numerous concerns related to vehicles illegally occupying bicycle lanes, highlighting the need for consistent enforcement.

I regret not being able to attend today's Board meeting to deliberate this item with you; however, I am in Ottawa representing Toronto at the Federation of Canadian Municipalities Board of Directors meeting.

Therefore, I respectfully urge the Board to give careful consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Pam McConnell".

Pam McConnell
City Councillor, Ward 28

Appendix B

Photograph circulated by Board Member Hamlin Grange regarding the cycling system in Utrecht, The Netherlands.



Staff report for information on Bicycle Lanes in Toronto