



## STAFF REPORT ACTION REQUIRED

### Toronto Police Services Board: Response to Concerns about Parking in Bicycle Lanes

<b>Date:</b>	July 6, 2010
<b>To:</b>	Executive Committee, City of Toronto
<b>From:</b>	Alok Mukherjee, Chair, Toronto Police Services Board

#### SUMMARY

The purpose of this report is to advise the Executive Committee about the Toronto Police Service's response to concerns raised by members of the public about the need for increased police enforcement of parking regulations on bicycle lanes in Toronto.

#### RECOMMENDATIONS

It is recommended that the Executive Committee receive this report.

#### FINANCIAL IMPACT

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

#### ISSUE BACKGROUND

At its meeting of May 20, 2010, the Toronto Police Services Board (the Board) was in receipt of a report dated April 30, 2010 from Chief of Police William Blair containing a response to concerns raised by members of the public about the need for an increase in the enforcement of parking regulations on bicycle lanes in Toronto.

#### COMMENTS

Ms. Yvonne Bambrick, Executive Director, Toronto Cyclists Union, was in attendance and delivered a deputation to the Board. Ms. Bambrick also provided a written copy of her deputation and drew the Board's attention to three recommendations that the Toronto Cyclists Union wanted the Board to consider in addition to the three recommendations contained in the foregoing report from the Chief. A copy of Ms. Bambrick's written submission is appended to this report.

The Board discussed each of the Toronto Cyclists Union's recommendations and noted that, with regard to recommendation nos. 4 and 5, it would be more appropriate for the Board to emphasize the need for a set fine at a level that acts as a strong deterrent to drivers rather than recommending a specific rate for the set fine.

The Board approved the following Motions:

1. THAT the Board approve the Chief's report;
2. THAT the Board indicate its support for the deputant's recommendation that there be a fine for stopping or parking in a bicycle lane, set at an amount such that it acts as a deterrent;
3. THAT, subsequent to Toronto City Council's decision regarding an appropriate amount for the fine, the Board authorize the Chair to write to the Ontario Senior Regional Justice recommending that the Senior Regional Justice approve the set fine application by Toronto City Council;
4. THAT the Board refer recommendation no. 6 in the deputant's written submission to the Chair for review to determine whether or not the institution of graduated and increased fines is feasible and to report back to the Board following the review;
5. THAT the Board authorize the Chair to send a communication to Toronto City Council indicating that the Board supports a timely resolution for this important initiative;
6. THAT the Board receive Ms. Bambrick's deputation and her written submission.

## **CONCLUSION**

A copy of Board Minute No. P134/10, in the form attached as Appendix "A", regarding this matter is provided for information.

## **CONTACT**

Alok Mukherjee, Chair  
Toronto Police Services Board  
Telephone No. 416-808-8080  
Fax No. 416-808-8082

## **SIGNATURE**

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Alok Mukherjee  
Chair, Toronto Police Services Board

## **ATTACHMENT**

Appendix A – Board Minute No. P134/10

A: parking regulations on bicycle lanes.may 20 2010.doc

## Appendix A

### **THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON MAY 20, 2010**

#### **#P134. RESPONSE TO REQUEST FOR INCREASED POLICE ENFORCEMENT OF PARKING REGULATIONS ON BICYCLE LANES IN TORONTO**

The Board was in receipt of the following report April 30, 2010 from William Blair, Chief of Police:

Subject: REQUEST FOR INCREASED POLICE ENFORCEMENT OF  
PARKING REGULATIONS ON BICYCLE LANES IN TORONTO

#### Recommendations:

It is recommended that:

- (1) the Board receive this report;
- (2) the Board request the Attorney General to amend the *Provincial Offences Act* (POA) to allow service by first class mail, where the operator of a motor vehicle drives away during the issuance of the parking infraction notice; and
- (3) the Board forward a copy of this report to the City of Toronto Executive Committee for its consideration.

#### Financial Implications:

There are no financial implications relating to the recommendations contained within this report.

#### Background/Purpose:

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

At the same meeting, the Board also received depositions from Mr. Heisey, Ms. Yvonne Bambrick, Executive Director, Toronto Cyclists Union and Smokey Dymny. The Board noted that significant improvements are required to the city's infrastructure in order to facilitate an efficient cycling system in Toronto (Min. No. P301/09 refers). As a result, the Board approved the following Motions:

Staff report for action on Bicycle Lanes in Toronto

- (1) THAT the Board receive the depositions, 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 or occupy bicycle lanes.

#### Discussion:

The Toronto Police Service (TPS) is committed to ensuring the safe and efficient flow of traffic for the benefit of all users of the road. Members of the City of Toronto, who are currently assigned this issue as part of their regular work portfolio have been actively engaged in reviewing the issues and have developed a framework of items to be addressed as part of the process. In addition, City staff has informally contacted members of the TPS to solicit feedback on some of the issues specifically related to bicycle lanes. This report will identify some of the issues being discussed.

#### *Current Parking Enforcement Practices*

The TPS Parking Enforcement Unit (PEU) enforces all signed parking regulations and other incidental parking offences which are in effect on roadways where a bicycle lane exists. These regulations are usually posted as No Parking, No Standing and No Stopping offences. The PEU enforces these areas through pro-active enforcement and with zero tolerance, in the interests of ensuring fair and consistent enforcement.

#### *Creation of a Specific Bicycle Lane Parking Offence*

The design of bicycle lanes varies throughout the City of Toronto. Some bicycle lanes are positioned directly adjacent to the right curb, while others are positioned on the left side of legal/permitted curb-side parking. In these particular situations the bicycle lanes are actually in the centre of vehicles which are legally parked on the street and live

traffic. Enforcement is not viable on this type of bicycle lane design using only the existing posted signs and regulations as the signs that are posted at the curb actually indicate that parking is in fact authorized. For this reason, a specific offence for parking or stopping a vehicle in a bicycle lane is required. The creation of a specific offence will allow for the consistent enforcement of any vehicle parked or stopped in a bicycle lane.

At the present time there is no enforceable parking offence in the amalgamated Toronto Municipal Code which deals specifically with parking or stopping a vehicle in a bicycle lane. Discussions have taken place with city officials to confirm the status of the new by-laws and fine structures. Although a provision for a specific bicycle lane offence has been written in the Toronto Municipal Code, enforcement cannot commence under Part II of the *Provincial Offences Act* until a set fine order is approved by the Ontario Senior Regional Justice.

Currently, the application by the City of Toronto for the set fine by the City is pending as city staff work to determine an appropriate fine amount. An enforceable bicycle lane bylaw will allow the set fine amount to be set at a level commensurate with the offence being committed. Upon approval of the set fine order, enforcement of this specific parking regulation will commence. Until the approval for a set fine is received, bicycle lanes which share the roadway with legal curb-side parking, will continue to lack a proper means of enforcement.

In addition, a specific bicycle lane parking offence would enable the Parking Enforcement Unit to identify, track and report on bicycle lane parking enforcement. Currently, parking offences are categorized as No Parking, No Standing and No Stopping, meaning that it is not possible to extract offences which pertain specifically to bicycle lanes.

#### *Drove Away Tickets*

The matter of motorists driving away from the scene while a Parking Enforcement Officer is writing a parking ticket is a subject that has been considered in the past by the TPS and the Board as both an officer safety issue and a parking regulation compliance concern. This concern has a particular bearing upon the enforcement of parking violations in bicycle lanes. The issue being that motorists may legally avoid the consequences of their actions by simply driving away before the ticket can be affixed to the vehicle. The result being that in many cases, the motorist simply drives away and continues the practice of parking or stopping their vehicle in designated bicycle lanes.

This situation creates an enforcement problem, impedes the efficient flow of traffic and may lead to public safety risks as drivers may attempt aggressive driving manoeuvres in order to evade service of a ticket. The Board in conjunction with other municipalities have previously forwarded written correspondence to the Province of Ontario requesting amendments to the *Provincial Offences Act* (POA). These amendments would allow for the service of parking infraction notices by first class mail in situations where the operator of a motor vehicle drives away during the issuance of the parking infraction

notice (Min. No. P84/06 refers). At the time of this report, the Province has not amended the Act, although the province has acknowledged receipt of the Board's request.

### *Exemption of Police Vehicles in Bicycle Lanes*

The parking of a police vehicle in prohibited parking, stopping and standing areas is governed by City of Toronto parking by-laws and Toronto Police Service Procedure 15-11 – "Use of Service Vehicles". The bylaws and Municipal Codes of the former municipalities provide an exception to certain bylaws and offences for emergency and city vehicles if compliance would be impracticable. At this time, these bylaws have not yet been consolidated into the new City of Toronto Municipal Code.

Specifically, for the purpose of this report, there is an exception for emergency and city vehicles (including police vehicles) parked in No Parking, No Stopping, and No Standing areas if compliance would be impracticable. As such, where bicycle lanes are signed under the general provisions of No Parking, No Stopping or No Standing offences, there are situations where police vehicles, among other vehicles, are exempted from the bylaw and are therefore authorized to park. In addition, Chapter 886 of the Toronto Municipal Code, which governs bicycle lanes, contains an exemption that applies to police vehicles, among other emergency and city vehicles, that are actively engaged in responding to an emergency situation.

As such, when the bicycle lane bylaw becomes enforceable, an exemption will apply to police vehicles as outlined above. Toronto Police Service Procedures direct that except in an emergency, members are to comply with the *Highway Traffic Act* (HTA) and the City of Toronto parking, stopping and standing bylaws. That being said, the TPS procedures governing the use of service vehicles will be reviewed to ensure they are consistent with the new legislation once a determination has been made with respect to the language and particulars for the new bylaw.

### Conclusion:

The initiatives outlined in this report are intended to help reduce traffic congestion, enhance the safety of all road users and assist with the efficient flow of traffic. The TPS will continue to liaise with City officials and local community groups to identify new and innovative methods of supporting the Service Priority of "Ensuring Pedestrian and Traffic Safety".

Deputy Chief A.J. (Tony) Warr, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

**Ms. Yvonne Bambrick, Executive Director, Toronto Cyclists Union, was in attendance and delivered a deputation to the Board. Ms. Bambrick also provided a written copy of her deputation and drew the Board's attention to three recommendations that the Toronto Cyclists Union wanted the Board to consider in addition to the three recommendations contained in the foregoing report from the Chief. A copy of Ms. Bambrick's written submission is appended to this Minute for information.**

**The Board discussed each of the Toronto Cyclists Union's recommendations and noted that, with regard to recommendation nos. 4 and 5, it would be more appropriate for the Board to emphasize the need for a set fine at a level that acts as a strong deterrent to drivers rather than recommending a specific rate for the set fine.**

**The Board approved the following Motions:**

- 1. THAT the Board approve the Chief's report;**
- 2. THAT the Board indicate its support for the deputant's recommendation that there be a fine for stopping or parking in a bicycle lane, set at an amount such that it acts as a deterrent;**
- 3. THAT, subsequent to Toronto City Council's decision regarding an appropriate amount for the fine, the Board authorize the Chair to write to the Ontario Senior Regional Justice recommending that the Senior Regional Justice approve the set fine application by Toronto City Council;**
- 4. THAT the Board refer recommendation no. 6 in the deputant's written submission to the Chair for review to determine whether or not the institution of graduated and increased fines is feasible and to report back to the Board following the review;**
- 5. THAT the Board authorize the Chair to send a communication to Toronto City Council indicating that the Board supports a timely resolution for this important initiative;**
- 6. THAT the Board receive Ms. Bambrick's deputation and her written submission.**



May 20, 2010  
Toronto Police Services Board  
30 College Street  
Toronto, ON M5G 2J3

RE: Deputation regarding Agenda Item 5 - 'April 30, 2010 Report from William Blair, Chief of Police Re: **Request for Increased Police Enforcement of Parking Regulations on Bicycle Lanes in Toronto**'

Chairman Mukherjee and Members of the Toronto Police Services Board,

My submission today is with regards to the report recently submitted by Chief Blair regarding parking enforcement in bike lanes. While I most definitely agree with and fully support his recommendations, I respectfully submit that there are additional recommendations that should be considered today by the Toronto Police Services Board.

In addition to the three recommendations in the Chief's report, I would like to request that the TPSB approve the following additional recommendations regarding this issue:

4. Authorize the Chair of the Board to write on behalf of the Board to the Ontario Senior Regional Justice requesting that the Senior Regional Justice approve the set fine order application by City of Toronto staff for a specific 'Bicycle lane parking, stopping, standing' offence in order to improve public safety and assist the Toronto Police Services in enforcing the rules against obstruction of bicycle lanes in the city of Toronto by illegally parked, standing and stopped vehicles.

5. Authorize the Chair of the Board to write to the appropriate authorities at the Province and City Council requesting that the fine for illegally parking, stopping or standing in a bicycle lane be set at or near \$120 to provide deterrence for parking, stopping and standing illegally in a bicycle lane out of recognition of the danger illegally parked, standing and stopped vehicles pose to cyclists.

6. Authorize the Chair of the Board to write to the appropriate authorities at the Province and City Council recommending the institution of graduated and increased fines for repeated parking, standing and stopping offenses in bicycles lanes by private automobiles, taxis, courier and delivery vehicles.

Given the significant increase in cycling transportation use in recent years by Torontonians, I would like to emphasize the urgency of the need to implement this specific 'Bicycle Lane parking, standing, stopping' offence in order to provide Toronto Police and Parking Services with the enforcement tool they require to deal with this matter.

Once approved, it will take time to incorporate this into Police and Parking Enforcement training, and to design, coordinate and install appropriate signage.

I would like to make a final request that the Chief report at a later date on the plan to include this new offence, and its enforcement, into the training procedures of Toronto Police and Parking Services officers, as appropriate.

Staff report for action on Bicycle Lanes in Toronto

Thank you for your consideration,

Yvonne Bambrick  
Executive Director Toronto Cyclists Union