



STAFF REPORT ACTION REQUIRED

Enforcement of Cycling Infractions in the City of Toronto

Date:	November 22, 2011
To:	Public Works and Infrastructure Committee, City of Toronto
From:	Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to request the Public Works and Infrastructure Committee to prepare a policy on bicycle use and regulations in the City of Toronto.

RECOMMENDATION

It is recommended that the Public Works and Infrastructure Committee prepare a comprehensive policy on bicycle use and regulations in the City of Toronto including a plan for education, implementation and enforcement.

FINANCIAL IMPACT

There are no financial implications arising from the recommendation contained in this report.

ISSUE BACKGROUND

At its meeting of October 20, 2011, the Toronto Police Services Board ('the Board') was in receipt of a report dated September 29, 2011, from William Blair, Chief of Police, regarding the enforcement of cycling infractions in the City of Toronto.

COMMENTS

In response to questions by the Board, Chief Blair described the challenges that police officers experience when trying to enforce the provisions of the *Highway Traffic Act* that apply to cyclists. Chief Blair also said that, as an example, there is no licensing regime for bicycles which makes it difficult for police officers to identify cyclists as opposed to

their ability to identify drivers of vehicles given that drivers are required to have a licence.

The Board received the Chief's report and approved the following Motion:

THAT the Board request Toronto City Council to prepare a comprehensive policy on bicycle use and regulations in the City of Toronto including a plan for education, implementation and enforcement.

The Board was subsequently advised to direct the request to the Public Works and Infrastructure Committee rather than directly to Toronto City Council.

CONCLUSION

A copy of Board Minute No. P266/11, in the form attached as Appendix "A" to this report, regarding this matter is provided for information.

CONTACT

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SIGNATURE

Alok Mukherjee
Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P266/11

a: cycling infractions.doc

Appendix “A”

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 20, 2011

#P266. ENFORCEMENT OF CYCLING INFRACTIONS IN THE CITY OF TORONTO

The Board was in receipt of the following report September 29, 2011 from William Blair, Chief of Police:

Subject: ENFORCEMENT OF CYCLING INFRACTIONS IN THE CITY OF TORONTO

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

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

Background/Purpose:

At its meeting held on July 21, 2011, the Board received the Harmonization and Enforcement of Sidewalk Cycling By-laws in the City of Toronto report (Min. No. P182/11 refers).

The Board approved the following motions:

- (1) That the Board receive the foregoing report and forward a copy to the City’s Public Works and Infrastructure Committee for information; and
- (2) That the Chief of Police provide a report to the Board outlining the laws that apply to cyclists in Toronto and that this report include statistics with respect to Toronto Police Services enforcement of these laws over the past two years.

Discussion:

Presently, there are seven by-law zones covering the City with similar wording and charges for bicycle by-law offences. The infractions and fines are based on pre-amalgamation by-laws of the seven former boroughs and cities. The by-law fines range from \$3.75 in some areas, to \$85.00 in others. These by-laws are in the process of being updated, clarified and harmonized to permit effective enforcement to improve pedestrian and cycling safety.

There are approximately 275 *Highway Traffic Act (HTA)* offences that are enforceable for cyclists. Most of the charges for a cyclist are also applicable to motor vehicle drivers as they deal with moving violations, traffic controls and signs. Most moving violation offences for a cyclist carry the same status and fines as would apply to the driver of a motor vehicle. Cyclists are considered drivers under the *HTA*.

The *HTA* laws and Municipal by-laws that govern bicycle riding and equipment are quite extensive. Listed below is the statistical data for years 2009, 2010 and 2011 to date. There are limitations with the Service's data system in the collection of particular statistics when trying to separate *HTA* infractions from Municipal by-laws offences for specific cyclist violations.

The Service data system combines most of the moving violation charges for cyclists with those of motorists, as they share identical infraction wordings and section numbers.

There are a small number of specific *HTA* laws that apply to cyclists only and they normally come under an equipment or specific designated road area that is captured separately, as outlined in the chart below.

Enforcement Totals		2009	2010	2011 to date
HTA - Cyclist Specific				
Improper bicycle lighting	HTA 62(17)	3629	4362	2248
Improper brakes on bicycle	HTA 64(3)	932	1047	760
No horn or bell bicycle	HTA 75(5)	4366	4959	2922

The limitations within the Service data collection system are problematic when trying to separate Municipal by-laws offences for specific cyclist violations. There is consistent duplication with similar offences and section numbers from the seven existing by-law zones across the City, making tracking of similar offences inaccurate.

Listed below are the enforcement totals collected for the most prevalent By-law offence of "Bicycle with over 61cm wheels on sidewalk", for the years 2009, 2010 and 2011 to date.

Enforcement Totals			2009	2010	2011 to date
By-law - Bicycle with over 61cm wheels on sidewalk					
Metropolitan Toronto	By-law 32/92	sec17 (1)	515	792	465
East York	By-law 92/93	sec14	x	x	x
Etobicoke Municipal Code	By-law 240	sec 6D	10	20	12
North York	By-law 31001	sec 14	x	x	x
Scarborough	By-law 23949	sec 14	x	x	x
Toronto Municipal Code	By-law 400	sec 400-15C	142	209	66
York	By-law 2958-94	sec 14	x	x	x

A uniform by-law with one Chapter and offence number/section would simplify the data analysis collection and enhance the accuracy of the information when required.

Conclusion:

The Toronto Police Service continues to be an active partner in consultation with the City and other cycling stakeholders on the development of new or amended cycling related by-laws that are clear, uniform and enforceable across the City.

This continued partnership will also allow for expanded awareness and education campaigns as well as the creation of future enforcement strategies that involve all road users.

Acting Deputy Chief Jeff McGuire, Specialized Operations Command, will be in attendance to answer any questions the Board may have regarding this report.

In response to questions by the Board, Chief Blair described the challenges that police officers experience when trying to enforce the provisions of the *Highway Traffic Act* that apply to cyclists. Chief Blair also said that, as an example, there is no licensing regime for bicycles which makes it difficult for police officers to identify cyclists as opposed to their ability to identify drivers of vehicles given that drivers are required to have a licence.

The Board received the foregoing report and approved the following Motion:

THAT the Board request Toronto City Council to prepare a comprehensive policy on bicycle use and regulations in the City of Toronto including a plan for education, implementation and enforcement.