



STAFF REPORT ACTION REQUIRED

Follow-up Report: Amendment to Chapter 743, “Use of Streets and Sidewalks,” of the Toronto Municipal Code – Bicycles

Date:	May 28, 2012
To:	Public Works and Infrastructure Committee
From:	Andrew Koropeski, P.Eng., Acting General Manager, Transportation Services
Wards:	All Wards
Reference Number:	P:\2012\Cluster B\TRA\Etobicoke York District\pwi20008-ey.doc

SUMMARY

At its meeting of February 6 and 7, 2012, Toronto City Council adopted, as amended, Item PW9.10, “Amendments to Chapter 743, ‘Use of Streets and Sidewalks,’ of the Toronto Municipal Code – Final Report” (referred to as the “Streets By-law”). City Council enacted these amendments at its meeting of March 5-7, 2012, as By-law No.375-2012.

City Council referred a motion to the Acting General Manager, Transportation Services for consideration and report back to the Public Works and Infrastructure Committee to exempt bicycles “. . . in good operating condition” from the prohibition against chaining, locking or attaching any “. . . article or thing” to waste receptacles, streetlights, parking meters, utility poles, transit shelters, fences, trees or any other municipal property or authorized encroachment for a period of not longer than 24 consecutive hours (Article II, § 743-9P).

An amendment to § 743-9 of Article II, Prohibited and Regulated Activities, of the new by-law is recommended for adoption. This clause will clarify that bicycles in good operating condition are exempt from the provisions of § 743-9P.

RECOMMENDATIONS

The Acting General Manager, Transportation Services recommends that:

1. City Council amend City of Toronto Municipal Code Chapter 743, “Streets and Sidewalks, Use of,” § 743-9 of Article II, Prohibited and Regulated Activities, by adding the following after § 743-9P:

“§ 743-9Q. § 743-9P shall not prohibit the chaining, locking or attaching of a bicycle that, in the General Manager’s opinion, is in good operating condition and is not chained, locked or attached so as to damage or interfere with the use of municipal property or an authorized encroachment.”

2. The appropriate City Official be authorised and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

Financial Impact

There are no financial implications arising from adoption of this report.

DECISION HISTORY

At its meeting of February 6 and 7, 2012, City Council adopted, with amendments, the draft by-law contained as Attachment No.1 in Item PW9.10, entitled “Amendments to Chapter 743, ‘Use of Streets and Sidewalks,’ of the Toronto Municipal Code – Final Report.” City Council enacted these amendments at its March 5-7, 2012, meeting as By-law No.375-2012.

City Council referred the following motion to the General Manager, Transportation Services, for consideration and report to Public Works and Infrastructure Committee:

1. That City Council amend City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, by amending Section 743-9 of Article II, Prohibited and Regulated Activities, by adding the following after § 743-9P:

“§ 743-9Q. § 743-9P shall not prohibit the chaining, locking or attaching of a bicycle that, in the General Manager’s opinion, is in good operating condition.”

COMMENTS

Section 743-9P of Article II, Prohibited and Regulated Activities, of By-law No.374-2012 states that:

“No person shall, without prior authorization from the General Manager, chain, lock or otherwise attach any article or thing to a waste receptacle, streetlight, parking meter, utility pole, transit shelter, fence, tree or any other municipal

property or authorized encroachment that is located in a street, and any article or thing that remains attached for more than 24 consecutive hours may be removed by the General Manager and disposed of pursuant to Article VIII.”

This clause provides our enforcement staff with a mechanism to expeditiously remove discarded items that the public locks or chains to municipal infrastructure without municipal consent. While it includes bicycles, its purpose is to target abandoned bicycles, particularly bicycles left in a state of disrepair. The intent of the clause is not to remove bicycles in good operating condition, or to apply it as a “bicycle parking” regulation.

Bicycle parking demand data from British and American sources indicates that the majority of cyclists typically park their bicycles within 50 metres of their destination, parking for less than six hours, particularly at commercial locations¹. Bicycle parking at educational buildings, such as universities, can last longer than six hours, but about 60 per cent of bicycle parking at educational buildings still does not exceed six hours in duration².

These data suggest that the 24 consecutive hour limitation that §743-9P specifies appears reasonable, with an exception being those residential locations where a bicycle is the household’s only means of transportation and where on-site bicycle parking is not available or practical. Recognizing this situation, our by-law implementation sessions have made it very clear to enforcement staff that they are not to use this regulation (§ 743-9P) against bicycles that are in good operating condition. This being the case, the clause proposed, as amended to reflect comments from City Legal, reinforces this directive while clarifying the intent of the by-law provision.

CONTACT

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SIGNATURE

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¹ Driver Information and Traffic Management Division. “Supply and demand for cycle parking.” Department of the Environment, Traffic Advisory Unit, London: UK, 1996, http://www.cycle-works.com/wp-content/pdfs/councils/Supply_and_demand_for_Cycle_Parking.pdf (accessed March 7, 2012): 3-4.

² Moskovitz, David A. and Nikki Wheeler. “Bicycle Parking Analysis Using Time Series Photography.” Presentation to the 90th Annual Meeting of the US Transportation Research Board, January 23-27, 2012: 9-10.

