



STAFF REPORT ACTION REQUIRED

Harmonization and Enforcement of Sidewalk Cycling By-Laws in the City of Toronto

Date:	August 16, 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 provide the Public Works and Infrastructure Committee with information regarding the harmonization and enforcement of sidewalk cycling by-laws in the City of Toronto.

RECOMMENDATION

It is recommended that the Public Works and Infrastructure Committee receive this report for information.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

At its meeting of July 21, 2011, the Toronto Police Services Board ("the Board") was in receipt of a report dated June 23, 2011, from William Blair, Chief of Police, regarding the harmonization and enforcement of sidewalk cycling by-laws in the City of Toronto.

COMMENTS

The Board approved the following Motions:

1. THAT the Board receive the Chief's 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 TPS's enforcement of these laws over the past two years.

CONCLUSION

A copy of Board Minute No. P182/11, in the form attached as Appendix "A" to this report, regarding this matter is provided for information.

CONTACT

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Toronto Police Service
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SIGNATURE



Alok Mukherjee
Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P182/11

a: sidewalk cycling.doc

Appendix "A"

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011

#P182. HARMONIZATION AND ENFORCEMENT OF SIDEWALK CYCLING BY-LAWS IN THE CITY OF TORONTO

The Board was in receipt of the following report June 23, 2011 from William Blair, Chief of Police:

Subject: HARMONIZATION AND ENFORCEMENT OF SIDEWALK CYCLING BY-LAWS IN THE CITY OF TORONTO

Recommendations:

It is recommended that:

- (1) the Board receive the following report; and
- (2) the Board forward a copy of this report to the Public Works and Infrastructure Committee.

Financial Implications:

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

Background/Purpose:

At its meetings on February 7 and 8, 2011, City Council adopted the following motions:

- (1) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to create a strategy to enforce sidewalk cycling related by-laws in the City of Toronto.
- (2) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to review, in consultation with Transportation Services, ticketing procedures for sidewalk cycling infractions.
- (3) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to investigate options to step up enforcement of illegal parking and stopping in designated bike lanes.

Discussion:

The combination of pedestrians and cyclists on sidewalks can be hazardous, particularly for senior citizens and pedestrians with visual, hearing or mobility impairments.

At present there are seven (7) by-laws covering the City with fines for riding a bicycle on a sidewalk ranging from \$3.75 in some areas to \$85.00 in others. These fines are based on pre-amalgamation by-laws of the former cities and boroughs. As such, these bylaws and associated fines regulating sidewalk cycling across the City need to be updated, clarified and harmonized to permit effective enforcement to improve pedestrian and cycling safety.

Presently, the predominant by-law provision restricts sidewalk cycling according to wheel size. Bicycles with wheel sizes less than 61 cm are permitted to ride on the sidewalk with the intention of allowing young children to cycle on the sidewalk while learning to ride.

This is inherently problematic, as there are far too many bicycle styles and types with wheels under the 61 cm limit which are not being utilized by young children. Further, power assisted (E-bikes), folding bikes and a number of BMX bikes, have smaller wheel sizes, by design, thus rendering the bylaw under the stated limit of 61 cm as virtually unenforceable.

A number of Canadian jurisdictions including Vancouver, Montreal, London, and Niagara, have regulated bicycles on sidewalks by banning the practice outright, unless signed otherwise.

It is unreasonable to consider further reducing the wheel size of bicycles within the by-law. This would restrict adult bikes with smaller wheels on sidewalks but not make provisions for children learning to ride when on sidewalks. It should be noted that there are a number of commercially available adult folding bicycles with tires sizes as small as 20 cm.

City Council Motion (1):

- (1) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to create a strategy to enforce sidewalk cycling related by-laws in the City of Toronto.

In ongoing meetings on by-law harmonization, fines and enforcement (see response to City Council Motion (2) below), the Toronto Police Service has discussed a change to the exemption for riding on City sidewalks, allowing cyclists of a younger age (under 14 years) to ride, over the present by-law exemption of a wheel size under 61cm. This would streamline enforcement by allowing police officers to readily identify an adult rider and enforce the by-law based solely on rider identification and the prohibited activity. Further discussions center on there being one set fine across the City which would assist police officers with a clear and uniform application when educating the public and enforcing the by-law.

City Council Motion (2):

- (2) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to review, in consultation with Transportation Services, ticketing procedures for sidewalk cycling infractions.

On Friday, November 20, 2009, a meeting to discuss by-law harmonization, fines and enforcement was held. This involved members of the City of Toronto Transportation Services and the Toronto Police Service. A second meeting was held on December 20, 2009, which included members of the Toronto Police Service, City of Toronto Transportation Services, Toronto Cycling Infrastructure and the Toronto Parking Enforcement Unit.

Recommendations were made to update and adjust fines for cars parked in bike lanes, power assist bicycles and electric scooter use in City bike lanes and were implemented on April 18, 2011. Further, ticketing procedures were reviewed for clarification and the implementation of a uniform City wide by-law was recommended, as fines vary dramatically across the City.

Future meetings for finalizing fines regarding sidewalk riding by-laws and enforcement proposals are being scheduled.

City Council Motion (3):

- (3) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to investigate options to step up enforcement of illegal parking and stopping in designated bike lanes.

There is presently no specific by-law offence for vehicles illegally parked or stopped in designated cycling lanes.

At a previous by-law harmonization, fines and enforcement meeting, a recommendation was made that similar wording and charge for no stopping in a bicycle lane be added to the City of Toronto parking infractions.

Recently, the City's Transportation Operations Managers and City Legal have come to a consensus on proposed set fines for the Toronto Municipal Code Chapter 886 (footpaths, pedestrian ways, bicycle paths and bicycle lanes). This by-law is awaiting approval by City Council. Once the by-law is in place and becomes enforceable, it will further assist the Toronto Police Service with its enforcement strategies.

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.

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.

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 TPS's enforcement of these laws over the past two years.**