

PW28.2.2

From: John De Marco <[REDACTED]>
To: <pwic@toronto.ca>
Date: 2014-01-03 11:27 AM
Subject: My comments for 2014.PW28.2 on January 9, 2014 Public Works and Infrastructure Committee

To the City Clerk:

Please add my comments to the agenda for the January 9, 2014 Public Works and Infrastructure Committee meeting on item 2014.PW28.2, Electric Bikes - Proposed Policies and By-laws

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

Comments:
PW28.2 Electric Bikes – Proposed Policies and By-Laws

This concerns the entire Council so let it be distributed to all of Council.

Amend the Definition of a Bicycle to read:

“Includes a bicycle, tricycle, unicycle, and an electric bike which must meet the federal definition of a power-assisted bicycle.”

Transportation and Parks departments should make good on their promises to communicate and meet with stakeholders in practical studies and discussions. These participants would be TERA, CycleTO, TCAT, Share the Road, an alliance of business owners of e-bikes and the Toronto Police Services.

There is room for compromise if there is cooperation. There has been no cooperation. Their data is suspect and biased because it was done in secret.

The federal government did not separate electric bikes into two categories after an extensive practical study. The city of Toronto has no data to support their demands for separation, only a bias from Parks and Transportation. E-bike riders are not callous bullies who will push cyclists and pedestrians aside because they are e-bike riders.

Assumptions made by Transportation and Parks were not achieved through promised cooperation and honest consultation with e-bike stakeholders. Transportation and Parks presumptions were created behind closed doors with a subjective point of view.

Page 1 recommendation:

'2) E-scooters would be permitted in conventional (painted) bicycle lanes because these e-bikes can more easily pass slower cyclists.' This is unfair bias from Transportation and Parks in the writing of this report.

'3) Ban e-scooters from all multi-use trails, any ravine system, and hydro and railway corridors.' This is unsupported bias and counterproductive. A compromise is needed that will help with congestion in the city and supply bike lanes when city revenues are down.

'4) E-scooters banned from cycle tracks because e-scooters can't pass other cyclists' and they would be abusive and assault law abiding cyclists. There is no data to support this biased accusation from Transportation and Parks.

An exhaustive study was conducted by our federal government. Three hundred and sixty-nine (369) conventional cyclists agreed to participate. The participants in that practical study used fifty-four (54) electric bicycles from ten (10) different manufacturers. The study was conducted over a four (4) month period and the participants covered over 25,200 kilometers.

TERA offered Transportation a practical study paid for and arranged by TERA. All stakeholders would be allowed to participate and observe. This would include TERA and other e-bike supporters, CycleTO, TCAT, Share the Road, the Toronto Police Services, any and all members of Council, any City of Toronto departments, and any and all media. They would be allowed to participate, observe, offer suggestions and ask questions. Transportation's team refused the offer after the permits were acquired and paid for.

Transportation and Parks refused to communicate unless compelled to do so by the Integrity Commissioner and then simply replied with a 'form letter' response, again refusing to address vital concerns of all.

Page 2 of the 'background' information recommends scrutiny of retailers of e-bikes. Let there be scrutiny of all unscrupulous retailers of manual bikes and e-bikes. To show such favoritism is a violation of human rights codes unacceptable at any government level.

'Page 3 recommends City Officials prepare necessary bills to make such amendments.' Chief solicitor for the city of Toronto must prepare documentation to caution Council against any action that will bring the cost of liability created because of poorly written recommendations. If Transportation and Parks are recommending Council pass such amendments that will push Toronto residents into harms' way there will be liability.

Toronto retailers were embraced and encouraged to start up business by our provincial government in 2006. Not once in the seven years and four months since e-bikes first were allowed here has this city warned Toronto e-bike retailers to not set up business here because our city Transportation and Parks departments will recommend Council destroy at least sixty per cent of their business. This is an election year for those who want to be part of the next Council.

Transportation and Parks use personal misinterpretation to interpret the intent of federal and provincial legislation. The intent of federal legislation, which the provincial government supports, does not say that an e-bike must be solely operable by muscular power all of the time.

This misinterpretation by transportation occurs again when they state, "The MTO website advises that, "If the pedals are removed from an e-bike, it is no longer considered to be an e-bike. Removing the pedals makes it an illegal motor vehicle because it does not conform to the HTA definition of a power-assisted bicycle."

The MTO states you must not modify an e-bike. Removing the pedals does not make it the Titanic or the Goodyear blimp. It is simply an e-bike that does not have its pedals on. Transportation and Parks have been handed case law to refute their misinterpretations, but they ignore such data because it does not fit their agenda. This is just one of the cases they were given. The Supreme Court of Canada ruling on interpretation does not concern some.

<http://canlii.ca/en/on/oncj/doc/2013/2013oncj31/2013oncj31.html>

The above link is provided for those members of Council who care to investigate what Transportation, Parks and Toronto's Legal department chose to ignore.

Transportation and Parks makes claims with their 'background' information, but there is no supporting data. Transportation and Parks conducted their fact finding mission behind closed doors. Where is the list of retailers who participated? Where is the list of stakeholders from conventional and e-bike advocates? Where is the list of media who observed an honest study?

Transportation and Parks expresses a concern for size and weight. Then Parks and Transportation are telling Council they must amend the bylaws to ban cargo bikes and the use of bike trailers for the same reasons.

Transportation and Parks expresses a concern for speed. Then Parks and Transportation are telling Council to amend the bylaws to enforce a speed limit for all bikes and the TPS must enforce this speed limit all the time not just in one day spot checks here and there.

How can Transportation and Parks say there is no financial impact, have they talked to the TPS or city of Toronto legal department to confirm their assumptions about enforcing speed? The results of the next election will not impact on them.

Our federal, provincial and municipal governments did not ask Toronto Transportation and Parks to separate the different types of e-bikes. The Mayor of Toronto on 31 July 2012 did request a report on e-bikes from Ms Christine Bouchard and Mr. Lukasz Pawlowski of Transportation. He did not ask them to separate the types of electric bikes.

Compromise and cooperation is key to resolving this issue which meets Toronto's green initiatives, goes far in solving our congestion problem and embraces all Toronto residents fairly.

John V. De Marco

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Director