



Tuesday, May 9, 2023

City Council
Toronto City Hall, 24th Floor E
100 Queen St. West
Toronto, ON M5H 2N2

Sent as email attachment to: councilmeeting@toronto.ca

Dear Acting Mayor Jennifer McKelvie and City Councillors,

***Re: DM6.3 - Micro-mobility Couriers –
by Councillor Dianne Saxe, seconded by Councillor Shelley Carroll***

We recommend items 1 (e-bike licensing) and 3 (police enforcement) in this motion be dismissed out of hand as a bad public policy, but that item 2 (education) is worthy of further and broader consideration as a public education campaign to promote safety on sidewalks and in bike lanes. We attach (below) our related letter of May 2, 2023 to Barbara Gray, Transportation Services, and Carleton Grant, Municipal Licensing & Standards.

In making the arguments set out below, we fully agree that pedestrians have a right to be safe on the sidewalk. It is the approach that we reject.

Licensing e-bike couriers would create a large new administrative burden, while targeting some of the city's most vulnerable --- though celebrated during the pandemic --- workers, but with little benefit to the community. Substantial resources would be required to create and enforce the licence -- indeed, it is likely that the focus would become the licence itself (does this or that courier have a licence?) whether or not they ever ride on the sidewalk. The motion itself notes that the problem is due to a minority of couriers, yet all would be obliged to obtain a licence (described as a "unique identifier").

Once in place, the underlying motivation for the licence may soon be forgotten. When Toronto had a bicycle licence system (1929-1956), one of the problems was that police were pushed into awkward interactions with children, some of whom were chased by police for a suspected failure to obtain the annual licence. (The original motivation for the 1929-1956 bike licence was the ability to identify the rightful owner, and to return their bike.)

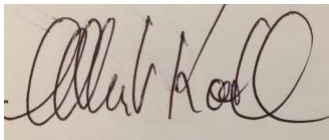
Asking police to enforce the rule against illegal side-walking riding would be a regrettable use of police resources; in fact, it is almost certain that police will not want this duty (they already

have the legal authority), more so given that food couriers, largely from racialized communities, are engaged in precarious, but valuable, work. Many food couriers are international students and/or recently arrived in Canada.

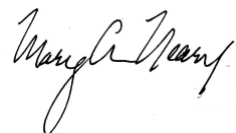
We also consider very curious the statement in the motion that, “Attempts to enforce traffic rules against such couriers has not been effective in discouraging this behaviour, partly because neither the couriers nor their vehicles bear clear identification. Accordingly, it is difficult to identify and locate offenders.” We note that illegal parking in bike lanes is very common, but the fact that these vehicles have government issued licence plates has done virtually nothing to stop this hazardous activity. Does the motion contemplate that a citizen would phone 911 and ask police to attend the scene to investigate a sidewalk riding violation!? (We note that Parking Enforcement Officers (PEOs) who enforce the law against illegal stopping in bike lanes have no authority over side-walk cycling.)

As noted, we include our recent letter on this subject, which sets out our rationale for a public education campaign to address not only illegal sidewalk riding but parking in bike lanes. We believe this is a far superior approach than to foist onto precarious or ‘gig’ workers a new obligation, while allowing billion-dollar digital platforms to escape any responsibility.

Sincerely,



Albert Koehl



Mary Ann Neary

Copy of our letter to Transportation Services and Municipal Licensing & Standards:



Tuesday, May 2, 2023

Barbara Gray, General Manager

Transportation Services

Carleton Grant, Executive Director
Municipal Licensing & Standards
Toronto City Hall, 24th Floor E
100 Queen St. West
Toronto, ON M5H 2N2

Sent as an email attachment

Dear Barbara Gray and Carleton Grant,

Re: public education, illegal parking in bike lanes, and e-bike riding on sidewalks

At our meeting with Transportation Services on June 7, 2022, we discussed a number of transportation issues with you, including the ongoing problem of illegal car parking in bike lanes. Among the solutions we discussed was a public education campaign for drivers, an issue we now wish to revisit with you, and in a slightly broader context to include e-bike riders, including food couriers, on sidewalks.ⁱ

Illegal parking by motorists in bike lanes, which appears to be particularly common among ride-hailing and food delivery services, continues to be a serious safety concern – one that undermines the City’s investment in cycling infrastructure. We continue to be of the view that a public education campaign could be employed to good effect in changing attitudes and behaviour.ⁱⁱ (We nonetheless continue to urge, given the safety hazards posed to cyclists, the expansion of existing enforcement by bicycle-riding Parking Enforcement Officers to the evening and weekend hours.)

Another issue that could be productively addressed by a public education campaign is the riding of e-bikes, including by food couriers, on sidewalks. Riding on sidewalks causes anxiety to many pedestrians, who are fully entitled to be safe from such incursions. We agree that motor vehicles are a greater threat to pedestrians, but this obvious fact does not obviate the need to address sidewalk riding and the threat of injury that it poses to people on foot.

We wish to make clear that we believe the proliferation of e-bikes has been a boon to our city and to its residents, including the elderly. In the midst of the climate crisis, e-bikes are a particularly welcome addition to the fleet of road vehicles. And during the pandemic, the delivery of food by bicycle allowed many people to remain safe and secure in their homes, free of the risk of COVID transmission. Meanwhile food couriers worked, often along dangerous arterial roads and in difficult weather conditions, to deliver these essential goods. (A [recent CBC radio feature](#) documented the conditions faced by many bike couriers, including many who are in Canada as international students.)

In the context of the increasing number of e-bikes, especially for commercial purposes, the implementation of a broad public education campaign would be timely.

We note that the increasing popularity of cycling has also been accompanied by new cycling books that include instruction on cycling etiquette and laws, such as *The Urban Cycling Survival Guide: Need-to-Know Skills and Strategies for Biking in the City*, a book by the former executive director of Cycle Toronto, and *Every Cyclist's Guide to Canadian Law* by Professor Chris Waters. In the case of e-bike food couriers, many are, as noted, international students or otherwise new to Toronto. This is no surprise given that courier work, which is considered precarious because of poor pay and a lack of employment protections or benefits, has few barriers to entry -- and comes with very limited to no training.

One development since our June 2022 meeting is that the drivers of ride-hailing car services must now pass an examination that includes at least some instruction about the illegality of parking in bike lanes. Since the digital platform enterprises that operate food delivery services remain, unlike ride-hailing services, completely unregulated by the city, these couriers, whether in cars or on bikes, receive no mandatory training, let alone testing. In fact, applying to be a food courier is a simple process that can usually be completed online in a matter of minutes, while instruction does not go beyond cursory references to obeying the rules of the road.

The multi-billion-dollar companies that operate the digital platforms for food delivery services essentially wash their hands of any responsibility for their workers, who remain classified as 'independent contractors' -- despite the efforts of groups such as [Gig Workers United](#). The number of bicycle food couriers in Toronto has not been assessed, but we know there are many thousandsⁱⁱⁱ, and likely a similar number of food couriers driving cars. These numbers, and the size of these companies, offer a strong argument that the companies should provide some basic training related to cycling and relevant laws.

We fully agree that high quality cycling infrastructure, namely bike lanes with physical barriers, is a key part of the answer to reducing both illegal parking in bike lanes and illegal cycling on sidewalks. When bike lanes are protected, motor vehicles cannot park in them and when bike couriers have safe bikeways, they have no reason to be on sidewalks. This is especially true on suburban arterials, more so in the winter when roads may be icy or snow is pushed into the curb lane. We also know, however, that food couriers on bikes are often observed riding on the sidewalk immediately adjacent to bike lanes. The increasing weight (and number) of such vehicles, which are otherwise a very welcome addition to the road fleet, requires some type of response to protect pedestrians.

In summary, the problem of ride-hailing, and other drivers who stop or park in bike lanes is well-known, as is that of car-based food delivery couriers parking in bike lanes. This is a serious road safety issue that undermines the city's investment and commitment to the *Cycling Network Plan*, the *Vision Zero Road Safety Plan*, and the *Complete Streets Guidelines*. The riding of e-bikes on sidewalks might also discourage some people from walking for everyday purposes, pre-empting obvious health benefits.

We believe that a public education campaign can also help drivers and riders feel a greater sense of confidence, while gaining greater respect from the population at-large. These elements could help ensure that food delivery by bike replaces at least some of the deliveries now carried out by polluting automobiles.

For these reasons, we would appreciate the opportunity to meet with you to discuss a public education campaign that enhances road safety both for people on foot and on bikes.

We know that there is at least one proposal calling for a study about the licensing of e-bike food couriers, an approach that is very ill-advised for a variety of reasons that we are happy to articulate. We have already communicated directly with the councillors involved, appealing to them to abandon their proposal, which threatens to draw staff and community advocacy resources into unproductive and unnecessary debates.

A public education campaign could be an important first step to changing problematic attitudes and conduct among some couriers and some motorists in the same way that “Don’t be a Litter Bug” campaigns of old changed attitudes.

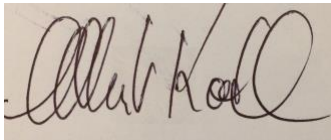
1. As a preliminary step, on the matter of e-bikes on sidewalks, we recommend that the City educate itself about existing conditions and the reasons why food couriers may feel compelled to ride, or rationalize riding, on sidewalks. Are these individuals aware of the safety risks that they pose? Is it the time-related demands of courier work that induces sidewalk riding? The study should also report on where and how often collisions or near misses actually occur. At the same time, the City should take the opportunity to study the number of bicycle food couriers in the City and articulate the many advantages of this type of service over car-based delivery in reducing motor traffic and cutting greenhouse gas emissions from transportation.
2. Investigate what responsibility, either by law, moral suasion, or other city levers, can be placed on the app companies that engage food couriers. We appreciate that couriers are classified as ‘independent contractors.’ The City may want to ask the provincial government to legislate that app companies recognize their workers as employees or ‘dependent contractors’ -- as a provincial [Labour Relations Tribunal did in 2020 in an action against Foodora](#) (a company that subsequently left Canada). As part of this investigation, the City may determine that the training program that it has instituted for ride-hailing service drivers can be replicated --- or improved upon --- for food couriers. It may be that the digital platforms can be convinced to provide training for their bike couriers akin to the CAN-BIKE courses offered by the City.
3. Engage appropriate experts to develop a public education campaign, with some or all of the following objectives:

- a. Educate members of the public, including ride-hailing drivers and food couriers, about the dangers of parking in bike lanes or riding on sidewalks in order to change problematic attitudes and conduct;
- b. Engage business owners that use food courier services to encourage drivers and food couriers to refrain from parking in the bike lane or riding on the sidewalk. Merchants might be provided with signs on pick-up counters that read: "Please don't park in the bike lane or ride on the sidewalk." The messages might then be upgraded, if required, to "If you park in the bike lane/ride on the sidewalk, we will not serve you." We note that some merchants already display signs that refuse to serve food delivery couriers who don't have insulated food packs; and
- c. If necessary, engage additional by-law enforcement officers (or traffic agents, if applicable) to issue warnings to individuals parked in the bike lane or who ride on the sidewalk.

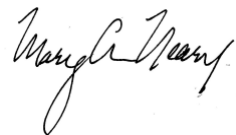
All of these ideas are open for discussion and modification -- but offered with a view to initiating a dialogue related to particular road and sidewalk safety issues in Toronto.

We look forward to working with you to develop a campaign that will help resolve, using existing (or enhanced, subject to Queen's Park approval) municipal powers to address hazardous practices by some motorists and some food couriers, while at the same time encouraging and preserving the many and substantial benefits of food delivery by bicycle, including e-bikes.

Sincerely,

A handwritten signature in black ink on a light-colored background, appearing to read "Albert Koehl".

Albert Koehl

A handwritten signature in black ink, appearing to read "Mary Ann Neary".

Mary Ann Neary

Cc Becky Katz, Cycling and Pedestrian Projects
Roger Browne, Director, Traffic Management
Brian Moniz, Supervisor, TPS Parking Enforcement Operations
Councillor Dianne Saxe

Councillor Shelley Carroll
Alison Stewart, Cycle Toronto
Jess Spieker, Friends and Families for Safe Streets

ⁱ *Friends and Families for Safe Streets* (Jess Spieker) and senior staff members Vincent Sferrazza, Roger Browne, Jacquelyn Hayward, and Becky Katz were also present.

ⁱⁱ As pointed out to us by Alison Stewart of Cycle Toronto, such an education campaign might also be beneficial to address illegal parking by motorists in loading zones or emergency vehicle routes.

ⁱⁱⁱ In New York City, which has a population almost three times that of Toronto, the number of bicycle food couriers has been estimated at 65,000, suggesting that Toronto could have over 15,000 such couriers. John Dzieza, *New York Magazine*, [Revolt of the Delivery Workers](#), September 13, 2021.