



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Legal Review of Bike Lane Amendments to Highway Traffic Act, formerly Bill 212

Date: December 9, 2024

To: City Council

From: City Solicitor

Wards: All Wards

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege and information about litigation or potential litigation that affects the City of Toronto.

SUMMARY

Bill 212 became law on November 25, 2024. The Highway Traffic Act has been amended to restrict the authority of "prescribed municipalities" to design, construct, and install bicycle lanes. Prescribed municipalities are required to obtain approval from the Minister of Transportation (the "Minister") before the installation of certain bicycle lanes that will reduce the number of motor vehicle lanes. In addition, the legislation states that the Minister shall remove existing bicycle lanes on University Avenue, Yonge Street, and Bloor Street; this authority is subject to prescribed exemptions or modifications, but none have yet been set out.

The Highway Traffic Act, Part XII.1, Bicycle Lanes, also gives the Governor in Council authority to enact regulations with regards to the application of certain provisions, but no regulations are publicly available as of the date of this report.

Confidential Attachment 1 provides further information and advice regarding the provisions governing bicycle lanes in Bill 212.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety as it contains advice which is subject to solicitor-client privilege and information about litigation or potential litigation that affects the City.

FINANCIAL IMPACT

The financial impacts are identified in Confidential Attachment 1.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

The City Solicitor has not previously reported on this matter.

City Council considered a [Report from the Mayor on Respecting Local Democracy and Cities, CC23.1](#), at its meeting on November 13, 2024, together with a Supplementary report and Attachments 2 to 5 from the City Manager on Respecting Local Democracy and Cities - Supplemental Report: Impact of Bill 212 Bike Lanes Framework.

COMMENTS

When Bill 212 became law on November 25, 2024, it amended the Highway Traffic Act to insert Part XII.1, Bicycle Lanes (the "Bike Lane Amendments"). The Bike Lane Amendments restrict the authority of "prescribed municipalities" (anticipated to include the City of Toronto) to construct, install or mark bicycle lanes on a highway where the design for the bicycle lane would reduce the number of motor vehicle lanes.

Specific Bike Lane Amendments state that the Minister shall remove the bicycle lanes located on Bloor Street, University Avenue, and Yonge Street, together with all related features, and restore the lanes for motor vehicle traffic.

The Bike Lane Amendments will impact the City's installation of new or extended bicycle lanes in the future and may impact existing bicycle lanes on other streets. The Bike Lane Amendments set out that the Minister or Lieutenant Governor in Council may make regulations regarding the removal of existing bicycle lanes, the process for approving the construction of future bicycle lanes, and compensation for removal. As of the writing of the report, regulations have not yet been enacted by the Province.

With respect to proposed bicycle lanes generally, the Bike Lane Amendments require that:

- Any proposed bicycle lane that reduces the number of motor vehicle lanes along any part of the road in a prescribed municipality be pre-approved by the Minister.
- In considering whether to approve a bicycle lane, the Minister may consider "whether the lane would unduly diminish the orderly movement of motor vehicle traffic" and require the municipality to provide traffic information.

With respect to existing bicycle lanes that reduced the number of motor vehicle lanes along any part of the road, the Bike Lane Amendments provide that:

- The Minister may require a prescribed municipality to provide traffic information relating to the existing bicycle lane. Note that factors other than traffic may be prescribed for the Minister to consider but nothing has been specified to date.
- The Minister will inform the Lieutenant Governor in Council of the results of the review of the traffic information.
- The Lieutenant Governor in Council may issue an order requiring the removal of all or part of the bicycle lane, including adjacent infrastructure or related features, and the restoration of the lane for motor vehicle traffic. The Minister or parties authorized to act on its behalf may undertake all work necessary to carry out the order.

Municipalities will not be compensated for the costs they incurred to install bicycle lanes that are ordered removed.

Municipalities may be compensated for the cost of providing support or information requested by the Minister to facilitate carrying out the order, including:

- managing traffic or public transit and emergency services,
- providing engineering or technical documents, surveys, and the like, and
- providing information related to signs, traffic control signal systems and lighting, including assistance with their removal or relocation.

The Minister shall reimburse the municipality for these costs if the Minister is satisfied that the municipality reasonably incurred those costs to respond to the Minister's request for information or support and provided that information/support by the date and for the time period specified by the Minister.

Specific provisions bar any legal proceedings from being brought against the Province as a direct or indirect result of the enactment of the Bike Lane Amendments, including claims in respect of the issuance, amendment, or revocation of any approval for a bicycle lane or any order for the removal of a bicycle lane or any work done to carry out such an order. There is also a specific provision that a municipality is not liable for any acts done in good faith in the execution or intended execution of work to provide support or information to the Minister when it is carrying out work to remove bicycle lane infrastructure.

The Minister may make regulations prescribing municipalities to whom these provisions apply, governing the information the Minister requires to carry out these responsibilities, and exempting any road or class of road.

The Lieutenant Governor in Council may enact regulations governing factors applicable to the review of information regarding bicycle lanes. In addition, there is a specific provision that the Lieutenant Governor in Council may enact regulations to:

- exempt part of the bicycle lanes on Yonge Street, University Avenue, or Bloor Street; or
- modify the requirement to remove the bicycle lanes on Yonge Street, University Avenue, or Bloor Street, including by reconfiguring all/part of a bicycle lane or related features or adjacent infrastructure for use by motor vehicles.

CONTACT

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SIGNATURE



Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential information from the City Solicitor