



*Bike Lanes on Bloor-Danforth
The First Forty Years (of Inaction)*

Bells on Bloor
June 4, 2015

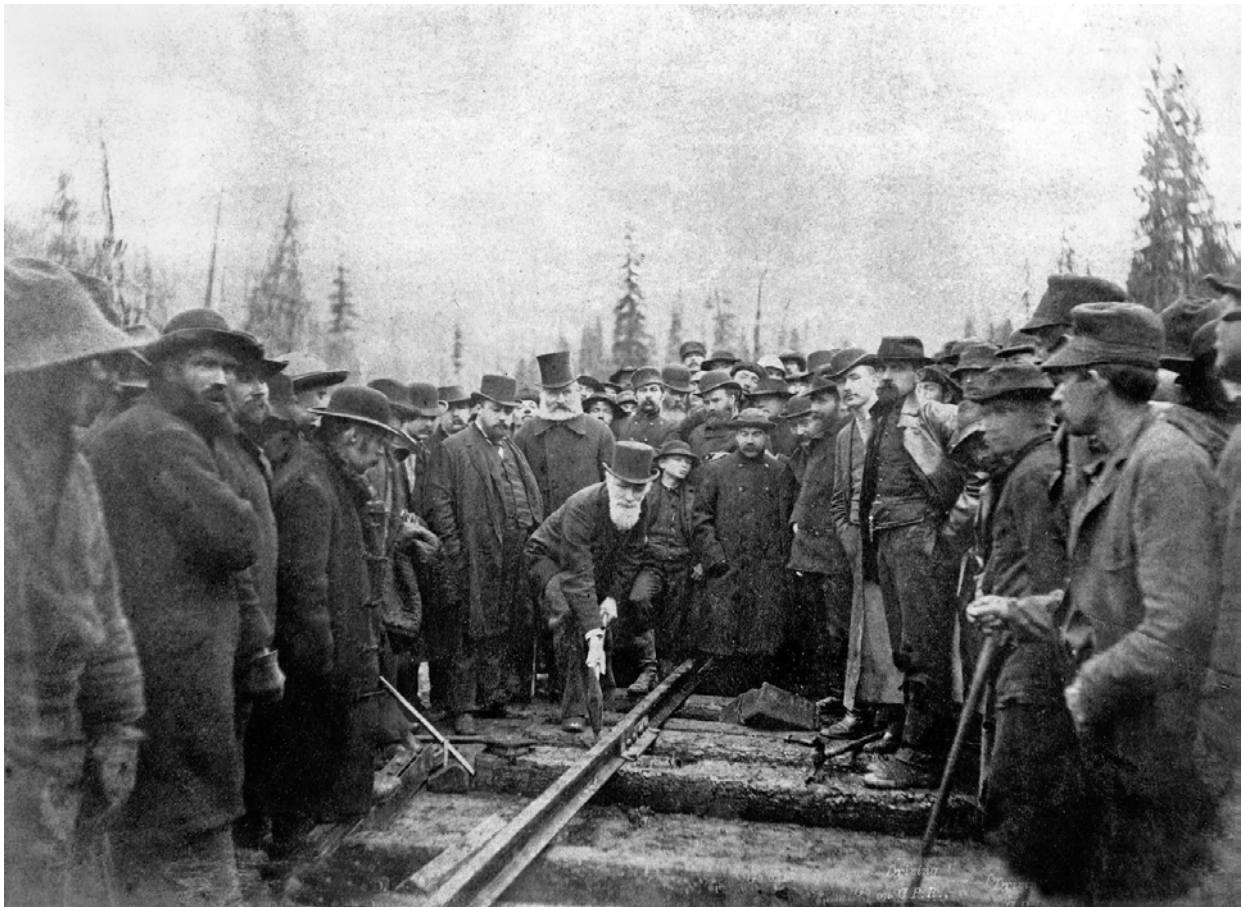
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1. Introduction

At Canadian Confederation in 1867, the new government of Prime Minister John A. MacDonald proposed a national railway linking Canada, then a country of 3.5 million people, from coast-to-coast. The project would require the construction of railway over some of the world's most difficult terrain in the Rocky Mountains and northern Ontario. In 1873, MacDonald's Conservative party was defeated as a result of the railway-related Pacific Scandal but re-elected in 1878. Construction of the railway began in 1881, and the last spike was driven at Craigelatchie, BC in 1885 – four years later.

In 18 years, the National Railway was proposed, surveyed, financed, and completed.



Donald A Smith driving the last spike at Craigelatchie near Salmon Arm, British Columbia, 1885.

Another east-west project --- the Bloor-Danforth bike lane --- has proven to be a far more difficult undertaking.

In 1977, Bloor St. was identified in a City of Toronto report for bike routes based on the high cycling numbers, strong access, inadequate safety, and potential for growth.¹ In 1992, another City of Toronto report identified Bloor St. and Danforth Ave. as an ideal east-west route that could form the spine of Toronto's cycling network.² The route was noted for its advantages for cyclists, including the generally flat grade, the absence of streetcar tracks, and the subway option for motorists. Over the next decades, Bloor-Danforth continued to be a popular cycling route, despite the absence of measures to protect the safety of residents who cycle.³

Over 38 years later in 2015, there is still no bike lane across Bloor-Danforth.

¹ See section 4A below. Barton-Aschman Canada Limited: "City of Toronto Bikeway Study", Working Paper Number Three, December 22, 1977; scanned version of report available on google docs online at: <https://drive.google.com/a/koehl.ca/file/d/OB6flhtyqSSiyaEpQUXF1b3gxcGM/view?usp=sharing> or at the City of Toronto Archives, Item 225030 (Box 176), Series 60. The report ultimately rejected Bloor as a route because of "traffic" and motor vehicle parking concerns.

² Marshall Macklin and Monaghan "Route Selection Study for On-Street Bicycle Lanes", Final Report, February 1992, prepared for Toronto Planning and Development Dept. A scanned version of the report is available online on google docs at: <https://drive.google.com/file/d/OB6flhtyqSSiyLUINYTFhTGNrNTg/view?usp=sharing> or in the Reference section of the Metro Library; call number: 711.72097135. NOTE: The report was prepared prior to the amalgamation of Toronto with neighbouring boroughs in 1998.

³ One of the motivations for the 1998 Ontario Chief Coroner's Report on cycling in fact included a death on Bloor St. where a cyclist had been hit and killed by a turning truck.



Bloor St. at Bathurst St. in April 2015 looking east during afternoon rush hour. (Photo: Albert Koehl)

A promising, current proposal is a pilot bike lane on Bloor St., which has the support of local councillors. Installation of the pilot is anticipated for the spring of 2016, subject to Council approval, and would entail a significant first step in the long battle.

In Toronto, as elsewhere, the tide of transport thinking has already turned against single-occupant vehicles given the negative space, air quality, climate, safety, cost, and congestion implications. Walking, cycling, and transit are the way of the future. There remains, however, a

stubborn resistance to this reality among a segment of residents and decision-makers. This explains why Toronto has fallen behind many major cities. Eventually Toronto will fully embrace sustainable forms of transport; the question is simply, “When?”

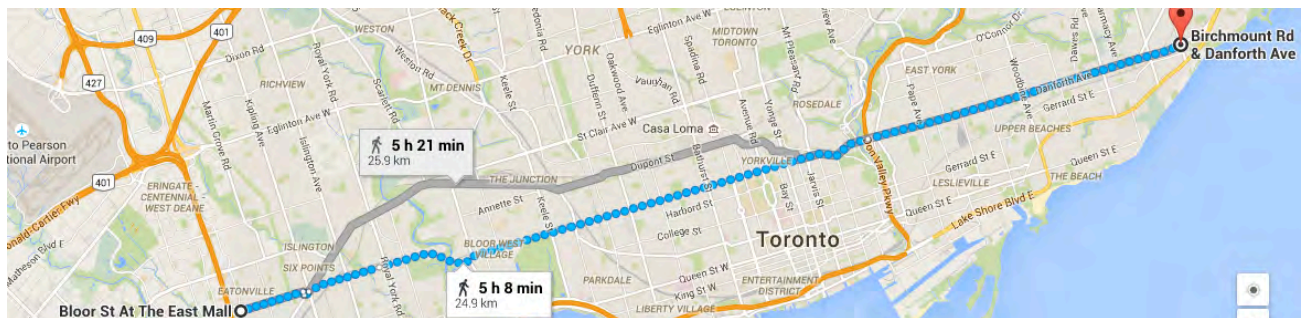
The fight for a Bloor-Danforth bike lane remains a good measuring stick for real progress. Will cycling infrastructure, along with transit and walking, be fully embraced as part of a 21st Century transport system – or continue to be treated as an impediment to “traffic”, largely consisting of single-occupant vehicles.

In this report, we document the history of the fight for bike lanes on Bloor-Danforth in order to ensure that advocates have the information they need to be effective, and in the hope that others will more fully appreciate the need to finally move forward.

We remain optimistic that the last chapters of this report will soon be completed -- and that it will show cyclists riding on a bike lane that stretches across Toronto on Bloor-Danforth. This success will spur similar projects, reduce lingering resistance to good transport planning, improve the quality of life in our community, and bring Toronto into the modern era of sustainable transport.

2. History and geography of Bloor Street and Danforth Ave.

Bloor St. and Danforth Ave. form a continuous east-west road that stretches across Toronto.



Google map showing Bloor-Danforth from east to west, a distance of approximately 25 km within the City of Toronto from Etobicoke (in the east) to Scarborough.

Bloor St. (East and West) is a commercial and residential street that runs from Broadview Ave in the east to the western border of the city at Markland Drive, 18.1 km in length. Bloor St. continues on into Mississauga, ending at Hurontario Drive.

Danforth Ave. or “The Danforth” runs 9km from Broadview to Kingston Rd. in Scarborough (now part of the amalgamated City of Toronto).

Bloor St. is named after Joseph Bloore, a brewer and land speculator in the 19th Century.⁴ In the 1790s what is today Bloor St. was the northern border of the Town of York, which became the City of Toronto in 1834.

Bloor St. is divided into a short eastern portion from Broadview Ave. to Yonge St. and a western portion that begins at Yonge St, and running to the western border of the city. Prior to the completion of the Bloor Street Viaduct (officially known as the Prince Edward Viaduct) in 1918⁵, the eastern terminus of Bloor St. was Sherbourne St.⁶



Google satellite image showing Bloor St East and its connection to Danforth Ave at Broadview Ave.

The stretch of Bloor considered in the past for a bike lane --- from Royal York Blvd. to Victoria Park --- is 21.3 km.

⁴ Globe and Mail: “Why did we name a street after this guy”, Timothy Appleby, August 31, 2012, online at: <http://www.theglobeandmail.com/news/toronto/why-did-we-name-a-street-after-this-guy/article4513840/>

⁵ BlogTO: “The Bloor Street Viaduct”, iDerek Flack, September 29, 2011; online at: http://www.blogto.com/city/2011/09/the_birth_of_the_bloor_viaduct/

⁶ For a photographic history of Bloor St., including archival photos see: BlogTO, Derek Flack: “A Visual History of Toronto”; May 2, 2012, online at: http://www.blogto.com/city/2012/05/a_visual_history_of_bloor_street/

Bloor Street

Bloor St. was served by streetcars beginning in 1890.⁷ The system was electrified in 1893 and eventually replaced by the Bloor (-Danforth) subway in 1966. The Bloor Viaduct, completed in 1918, was controversially outfitted --- later celebrated --- for a rail track on its lower deck that eventually accommodated the subway line.

Bloor St. runs through popular neighbourhoods such as St. James Town, the Annex, Koreatown, Dufferin Grove, and Bloor-West Village as well as important commercial districts such as the posh Mink Mile in Yorkville (the subject of litigation in 2008 when a street transformation project failed to include bike lanes).⁸ Many of these neighbourhoods have residents' associations and Business Improvement Areas (BIAs).

Along its route, Bloor St. counts well-known institutions and locations including the Royal Ontario Museum, University of Toronto, and the Royal Conservatory of Music, which have recently been included in a Bloor Street Culture Corridor initiative.⁹

Bloor St. includes portions of municipal wards 5, 13, 14, 18, 19, 20, 27, and 28.

⁷ Transit Toronto: "The Bloor Streetcar (Deceased)", James Bow, July 7, 2013; online at: <http://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2Ftransit.toronto.on.ca%2Fstreetcar%2F4115.shtml&ei=PcH4VOGKcmLyASfwYKoCQ&usg=AFQjCNEBsu1AfoFeimZFo1bZdonSdsbURQ&bvm=bv.87519884,d.aWw>

⁸ *William Ashley v. City of Toronto*. The Safe Cycling Coalition intervened in the case. (See the summary in s. 12 below.) This same stretch of road is where cycling courier Darcy Allan Sheppard was struck and killed by former Ontario Attorney General Michael Bryant in 2009. (Criminal charges later withdrawn.) See also: Toronto Star: "The joys and sorrows of cycling"; Albert Koehl, May 27, 2010; online at: http://www.thestar.com/opinion/editorialopinion/2010/05/27/the_joy_and_sorrows_of_cycling.html#

⁹ Bloor Street Culture Corridor; online at: <http://www.bloorstculturecorridor.com/>



Looking west on Bloor near Bathurst in 1965 (former Alhambra Theatre on right¹⁰) prior to completion of the subway on Bloor-Danforth. Source: Chuckman's Photos on WordPress: Toronto Nostalgia



Bloor Street: Looking west in 1965 at Walmer Rd. (The Texaco gas station has been replaced. Puck 'n Wings eatery currently sits on the site.) Source: Chuckman's Photos on Word Press: Toronto Nostalgia

¹⁰ Historic Toronto: "The old Alhambra Theatre"; online at: <http://tayloronhistory.com/2013/12/05/torontos-old-movie-theatres-the-alhambra/> The theatre was at 568 Bloor St. W.

When the Gardiner Expressway was built along the lakeshore between 1955 and 1964, part of the purpose was to relieve growing motor traffic congestion on east-west streets like Queen, Dundas, College, and Bloor.

The north-south Spadina Expressway was first proposed in the 1950s and would have run across Bloor St. at Spadina Rd./Ave. South of Bloor to Dundas St., Spadina Ave. was to be significantly widened. Construction began in the 1960s.

The Spadina Expressway, renamed the William R Allen Expressway in 1969¹¹, was part of a larger slate of expressways that were part of a 1966 plan that included a Cross-Town Expressway connecting Hwy 400 to the DVP just north of Bloor St. (including a southward spur to the Gardiner near Ossington), expanding Hwy 27 into today's 427, and the extension of the Gardiner Expressway eastward all the way to Hwy. 401.¹²

On June 2, 1971, in stopping the Spadina Expressway from going south of Lawrence Avenue¹³, Ontario Premier Bill Davis famously stated:

Cities were built for people and not cars. If we were building a transportation system for the automobile, the Spadina Expressway would be a good place to start, but if we are going to build a transportation system for people, the Spadina Expressway is a good place to stop.¹⁴

Danforth Ave.

East of the Bloor Viaduct., Bloor St. turns into Danforth Ave, which ends at the junction with Kingston Rd. in Scarborough near Lake Ontario.

Danforth Ave. is named after Asa Danforth, an American contractor who built a roadway from York to Kingston. Danforth Ave. (today often referred to as "The Danforth") was constructed in 1851, and ran from Broadview to Danforth Road. It was later extended to the junction with Kingston Road. Danforth electric streetcars date from 1913.¹⁵

¹¹ The lower portion between Lawrence and Eglinton Ave. is known as the William R. Allen Rd.

¹² blogTO: "What expressways used to look like in Toronto", Derek Flak; September 13, 2011; online at: http://www.blogto.com/city/2011/09/what_expressways_used_to_look_like_in_toronto/

¹³ Today, the expressway's southern terminus is Eglinton Avenue, with the last section from Lawrence to Eglinton completed in 1974. Get Toronto Moving; online at: http://www.gettorontomoving.ca/Allen_Expressway.html (Accessed May 26, 2015)

¹⁴ Get Toronto Moving; online at: http://www.gettorontomoving.ca/Allen_Expressway.html (Accessed May 26, 2015)

¹⁵ The Danforth: "History of the Danforth"; online at: <http://www.thedanforth.ca/history-of-the-danforth>

Danforth Ave. passes through the well-known Greektown area. Danforth Ave. encompasses parts of municipal wards 29, 30, 31, 32, 35, and 36.

Today, the curb lanes along most of Bloor-Danforth are occupied by paid automobile parking spots, although parking is usually free during overnight hours. During the morning and evening rush hour, parking on one side of the roadway is prohibited to allow for a greater amount of motor traffic travelling towards the city centre.¹⁶ In many places, when the parking lanes are turned over to motor traffic, cyclists are put in peril since the roadway is not wide enough in some stretches to accommodate both cars and bicycles. (See the photograph of Bloor at Bathurst on p. 5, above.) In other areas, particularly along Danforth Ave., the parking lane would be wide enough to accommodate parked cars *and* a bike lane.

3. A brief history of cycling in Toronto

The modern bicycle dates from 1885 coinciding with the development of the automobile and the electric streetcar.¹⁷

Across Canada and the U.S.A. cycling became popular in the 1890s and the early part of the 20th Century. A significant challenge and obstacle for cyclists was the poor condition of roads. Cyclists were among the first advocates for better roads. In 1896, an early version of a bike lane was approved for construction by Toronto City Council on Harbord St. and on Spadina Ave.¹⁸

One popular use of bicycles in Toronto was for deliveries, particularly for pharmacy products and telegrams. A 1902 Toronto Star article noted: “The bicycle has revolutionized messenger work and the boys of today have what is known colloquially as a cinch compared to those of 20 years ago.” According to local bike historian Joe Hendry: “In the 1920s and 1930s bike messengers were everywhere in Toronto.”¹⁹

¹⁶ Most morning traffic runs into the centre of the city, thus the parking lane on the north side of the Danforth and on the south side of Bloor is eliminated to accommodate incoming cars. To accommodate afternoon car traffic the eliminated parking lanes are on the opposite side of the road to the morning configuration.

¹⁷ Carsten Hofer: [A Short Illustrated History of the Bicycle](https://www.crazyguyonabike.com/doc/page/?page_id=40621); online at: https://www.crazyguyonabike.com/doc/page/?page_id=40621 Pneumatic tires arrived in 1888. An earlier version of the bicycle, popularly known as the Penny Farthing was an awkward device with a huge front wheel. This bike was mostly used for sport by the upper classes.

¹⁸ City of Toronto Bike Plan, June 2001, at p. 2-1; online at: https://www1.toronto.ca/City%20of%20Toronto/Transportation%20Services/Cycling/Files/pdf/B/bike_plan_full.pdf

¹⁹ rabble.ca: “Delivering the Goods: Toronto’s Clogged Streets”; November 25, 2011, Wayne Scott and Albert Koehl; online at: <http://rabble.ca/news/2011/11/delivering-goods-torontos-clogged-streets>

The rising popularity of private automobiles particularly in the 1920s pushed cyclists to the side of the road, both literally and figuratively. For the general population, cycling in the 1940s, 1950s, and 1960s was a recreational activity, but for a few exceptions (see photo), and a pursuit of children.



Sir Ernest MacMillan, a renowned Canadian orchestral conductor, riding a bicycle on University Avenue in June 1942. Source: City of Toronto Archives, Fonds 329, Series 1569, File 11.

In 1950 in Toronto there were only 220 cyclists for every 1000 people. This number rose to 350 people in 1960 and then jumped to 480 by 1970.²⁰ The popularity of 10-speed bikes in the

²⁰ Barton-Aschman Canada Limited in association with Peat Marwick and Partners: "Planning for Urban Cycling", Prepared for the City of Toronto (City of Toronto Archives, Item 480480-5, Series 1143). A scanned version of the document is available from the author. [Additional Toronto cycling documents available from the City of Toronto Archives from this period include: (A) "Cycling and the Law: Conference Proceedings and Working Papers", Item

1970s spurred cycling²¹ – but the lack of attention to cyclists’ safety had obvious consequences. Over 1,000 cyclists were killed across Canada in the period 1970-75 alone.²²

A report for the City of Toronto entitled, ‘Planning for Urban Cycling’, noted:

Urban cyclists today face a roadway system that was not designed for them and which, in fact, is usually hostile to them. The reason can be traced back to the drawing boards of municipal planning engineers and the concern, for many decades, has been optimizing the flow of automobiles and trucks. The inappropriateness to cycling of many aspects of roadway design is becoming more obvious and more serious as the number of cyclists grows.²³

In 1975, the former City of Toronto established the Toronto Cycling Committee to promote cycling and cycling safety.²⁴ The first bike lane in Toronto was installed on Poplar Plains Rd. in 1979. The City’s Bike Week began in 1980. At the (then) Metro Council a 100-mile bike trail system with a budget of \$1.8 million was approved leading to the creation of various trails including the Humber and Lakeshore routes.²⁵

480480-1, January 4-5, 1985, Sponsored by Toronto Cycling Committee, Conference Chair: Jack Layton. (B) Toronto Cycling Committee: “Creating a Cycling Efficient Toronto”, Item 408480-8.]

²¹ For an informative article about cycling in Toronto in the 1970s see: Torontoist: “Historicist: Cycling Through the Seventies, How was the city’s cycling infrastructure evolving 40 years ago?”, Jamie Bradburn, January 5, 2013; online at: <http://torontoist.com/2013/01/historicist-cycling-through-the-seventies/> Metro Council had various plans to build cycling infrastructure, including trails. The article also mentions a 1974 TTC strike that lasted 23 days and spurred more interest in cycling.

²² Albert Koehl: *Road Follies*, at p. 31, citing Canadian Bureau of Statistics; online at: <https://drive.google.com/file/d/0B6flhtyqSSiyMTBoamNxcU5TN3M/edit?pli=1>

²³ *Supra*, FN 31.

²⁴ City of Toronto Bike Plan, at p. 2-2.

²⁵ The Torontoist article (FN 31) also notes a 1974 ‘bikeway’ report to Metro Council by W. Strok and Associates entitled, *Bikeway System Within Metropolitan Toronto*, which recommended a 246-mile off-road network. The idea was to keep cyclists off roads and put them on a safe trail system.



Toronto City Hall “pedalling what they preach.” (L to R) Alderman Patrick Sheppard, Dan Leckie (Asst to Mayor), Lynn Spink (Asst to Mayor), Mayor John Sewell, and Alderman David White (chair of cycling committee). The photo accompanied articles about the promotion of “Bike to Work” for the 1980 Bike Week (June 2-8) in the June 1980 edition [vol.3 no. 2] of “Toronto City News” (Published by Personnel Services Division, Management Services, City Hall, editor Charles Krebs.²⁶)

In 1993, the City’s Official Plan recognized the importance of cycling and the need to move away from car-centred transport. Toronto police began using bicycles in the mid-1990s after a

²⁶ In an interview in the March 1990 edition of “The City Cyclist”, v. 3, Mayor Sewell, who was well-known for cycling to City Hall, told interviewers Joan Doiron, Jennifer Jarman, and Rich Phillips: “I’ve only been riding a bike for 8 or 9 years. I had a car until 1970; since then I haven’t owned a car... I was living downtown and I guess I just arrived at the conclusion I don’t need a car – it created more problems than it solved.”

100-year hiatus.²⁷ In 1999 (after amalgamation) the Toronto City Cycling Survey found that 48% of residents (939,000 people) over the age of 15 owned a bike.²⁸

The bike courier business in Toronto also made a significant comeback in the 1970s and 1980s, only to be later pushed aside by taxi deliveries and more recently by the space-hogging delivery trucks of courier companies.²⁹

In 1995, Bicycling Magazine named Toronto North America's number one cycling city. Since that time Toronto would be hard-pressed to argue that it has ever again lived up to the title.

Today Toronto has 115 km of bike lanes, including 7.5 km of separated bike lanes or cycle tracks.³⁰ The island of Montreal alone, by comparison, has a bike network of 650 km including a substantial portion of bike lanes separated by cement curbs. Even the busy Jacques Cartier Bridge has a completely protected bi-directional bike lane.³¹ Montreal also has a far more elaborate bike sharing or BIXI system.

After failing to deliver on its 2001 Bike Plan³², the city is today developing a new 10-year bike network plan, aided by an ongoing cycling survey.³³

4. Bike lanes on Bloor-Danforth

A. 1977 Barton-Aschman Study on Bloor bike lanes

The earliest references to bike lanes on Bloor date back to 1976. On November 8, 1976, the Commissioner of Public Works recommended that:

²⁷ Canadian Cycling Magazine: "On patrol with Toronto's bike police"; May 16, 2014; online at: <http://cyclingmagazine.ca/sections/feature/on-patrol-with-torontos-bike-police/>

²⁸ City of Toronto Bike Plan, at p. 2-4.

²⁹ rabble.ca: "Delivering the Goods: Toronto's Clogged Streets"; November 25, 2011; Wayne Scott and Albert Koehl; online at: <http://rabble.ca/news/2011/11/delivering-goods-torontos-clogged-streets>

³⁰ City of Toronto: Bike Lane Network Status; online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d7c3970aa08c1410VgnVCM10000071d60f89RCRD>

The city now counts each km of a bike lane separately if it exists on both sides of the street. Thus the city figures now show 209 km of painted bike lanes and 15 km of cycle tracks. The city also includes in its figures, sharrows and "signed" routes, which most cyclists do not consider as providing real safety.

³¹ Velo Quebec: Greater Montreal Bikeway Map, 2014. Velo Quebec is online at: <http://www.velo.qc.ca/fr/accueil>

³² Of the promised 460 km of new bike lanes only 80 km were actually installed. [35 km of bike lanes were in place in 2001.]

³³ City of Toronto: "Help Build Toronto's Cycling Network", (accessed June 1, 2015); online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=b343970aa08c1410VgnVCM10000071d60f89RCRD>

... consultants be retained to **study possible locations for new bike routes**, improvements to existing routes and to prepare a bike route program. A budget of \$40,000 was later allocated to the study and in August 1977 the firm of Barton-Aschman Limited began their work.

The consultants developed a methodology whereby **they chose groups of city streets, which they termed corridors in terms of bicycle access, present bicycle use and attractors which would generate further bicycle traffic in the future. The two corridors with the highest rating, the Bloor corridor and the Yonge corridor, were selected for specific design proposals. (emphasis added)**³⁴

Barton-Aschman Limited prepared six working papers for a Technical Advisory Committee of the City.³⁵ Working Paper Number Two (November 23, 1977) was for the “Identification and Selection of High Priority Bicycling Corridors”:

The workprogram outlined in this workpaper included the identification and evaluation of a set of ten “bicycling corridors” within the City of Toronto.

...

In general, this workpaper identifies two corridors within the City of Toronto which exhibit a significantly greater need (with respect to the other eight corridors examined) for the adoption of specific design improvements aimed at improving safety for cyclists in general, and improving the level of service provided to the greatest number of utilitarian cyclists. Further detailed analysis within the defined corridors will be related to the selection and design of specific routes prepared for the Technical Advisory Committee.³⁶

³⁴ This quote is from a 1981 report relating to the Harbord/Hoskin-Wellesley bike lane: City of Toronto, Planning and Development Department: Harbord/Wellesley Bikeway, at pp 1-2; available online from google docs at: <https://drive.google.com/file/d/0B6flhtyqSSiyNE0tUUwxaTgyCHM/view?usp=sharing> or at the Metro Toronto Reference Library, call number: TOR 388.4132 H13 HSS TOR].

³⁵ These papers were later compiled into: Barton Aschman Canada Limited: “City of Toronto Bikeway Study: Compilation of Technical Workpapers”, November 1977 – March 1978 (Toronto Archives: Item 225030 (Box 176), Series 60, item 1999) The reports appear to be available in published book form. See World Cat; online at: <http://www.worldcat.org/title/city-of-toronto-bikeway-study-compilation-of-technical-workpapers/oclc/62934240?referer=di&ht=edition>.

³⁶ Barton Aschman Canada Limited: “City of Toronto Bikeway Study”, Working Paper Number Two, November 1977, from the cover page. Scanned version online on google docs at: <https://drive.google.com/file/d/0B6flhtyqSSiyak03WFhRWWQ3MWc/view?usp=sharing> or from the Toronto Archives: Item 225030 (Box 176), Series 60, item 1999

Two *corridors* were chosen. The first corridor (the “Bloor Corridor”) --- considered an east-west cycling corridor --- was bounded by Bloor on the north and College/Carlton on the south, with Dufferin and Sherbourne forming the east and west borders. The second corridor (the “Yonge Corridor”) --- considered a north-south corridor --- had Yorkville and Front for the north and south borders, with Bay and Church for the east and west borders.³⁷ These corridors were identified because they showed:

... the greatest need for measures aimed at reducing the bicycle accident rate and facilitating bicycle trips of a utilitarian [work, school, personal business] nature... the corridors should serve to provide access to, or circulation within, the central area of the city, along routes providing ready access to areas exhibiting heavy attraction of utilitarian bicycle trips.³⁸

The criteria and characteristics upon which Barton-Aschman focused had been set out by the City’s Cycling Committee and included:

- Cycling routes should be on the urban arteries which contain the major attractors of cycling trips.
- Cycling routes should be continuous, non-circuitous, convenient, and relatively free of logistic and physical impediments to safe cycling.
- It is preferable to make well-used cycling routes safer than to attempt to divert cycling to other safer routes.

In terms of the safety criteria, Bloor St. West (between Dufferin and Yonge St.) had the highest cycling collision rates in 1976, and therefore the highest potential for reducing “accidents”. The Bloor Corridor overall had the second highest collision rating after the Yonge corridor.

In terms of trip demand the east-west Bloor Corridor and the north-south Yonge Corridor were rated highest, largely because of the various commercial and academic institutions in these corridors.

The remaining criteria were trip generators (including population density) and trip attractors for which the two noted corridors scored highly.

Working Paper Number Two identified the corridors of “greatest need”.³⁹ The next step (Working Paper Number Three⁴⁰) for the consultants was to evaluate specific routes/roads, and

³⁷ *Ibid.*, p. 2.

³⁸ *Ibid.*, p. 4.

³⁹ *Ibid.*, p. 13.

⁴⁰ ⁴⁰Barton-Aschman Canada Limited: “City of Toronto Bikeway Study”, Working Paper Number Three, December 22, 1977; scanned version of report available on google docs online at:

related design, within each corridor. Within the Bloor Corridor the main routes to be studied were Bloor St., Harbord-Wellesley, and College-Carlton.

Design options depended on whether the route/road was to be a “spine” route or a “feeder” route.⁴¹

Bloor was ultimately rejected as a route because of peak hour (motor) traffic and parking concerns:

Bloor Street was not selected as the spine route alignment because of the desire to (1) maintain the arterial status of this road and; (2) ensure the continuing viability of the abutting strip commercial retail land uses. The introduction of a bike route onto Bloor Street would not only reduce it to a two lane vehicle operation throughout the day but **would also significantly reduce the amount of “convenience”, i.e. on-street parking. The loss of this visible customer parking could seriously threaten the viability of certain of the local commercial/retail establishments.** (emphasis added)⁴²

The report referenced no research on the impact to local merchants from a loss of Bloor St. parking. The assumption was simply that loss of parking would harm local business. When such a study was finally done in 2009, it showed that transit users, cyclists, and pedestrians contributed 90% of business for local merchants. (See TCAT parking study in section 6C below.)

The Harbord/Hoskin-Wellesley route was recommended⁴³ instead of Bloor St. for the east-west route, despite the obvious gap between Hoskin and Wellesley streets. The report did recommend future study on how to fill the gap at Queen’s Park. The connection along the west side of Queen’s Park suggested by the study was ultimately put in place, but not until 2014 – 37 years later.

Although Working Paper Three looked at conflicts between buses and cyclists, it gave little weight to this problem along the Harbord/Hoskin-Wellesley route, a problem that does not exist on Bloor for most of the day, given the subway.

The Working Paper Three recommended that the identified portions of Harbord/Hoskin, Wellesley, St. George, Yonge, and Gould streets be slated for “immediate implementation”.⁴⁴ (Yonge St. is still waiting for a bike lane.)

<https://drive.google.com/a/koehl.ca/file/d/0B6flhtyqSSiyaEpQUXF1b3gxcGM/view?usp=sharing> or at the City of Toronto Archives, Item 225030 (Box 176), Series 60.

⁴¹ *Ibid.*, cover page.

⁴² *Ibid.*, pp 14-15.

⁴³ *Ibid.*, pp 13.

⁴⁴ *Ibid.*, cover page “two”.

An additional reference to Bloor-Danforth bike lanes can be found in “Review of Bicycle Facilities on Metropolitan Roads”, an October 1993 research report:

Based on the Metropolitan bicycle guidelines outlined in Chapter 4, and assuming at a minimum, the implementation of wide-curb lanes, about 69% of the existing arterial road network (excluding the Gardiner, and QEW) could be converted into bicycle routes by reworking the existing pavement markings. (See table 46).

... the Bloor St./Danforth Ave. roadway corridor is bicycle compatible, but a narrow section between Dundas St. and Spadina Ave., where it is not possible, at this time, to provide a bicycle compatible roadway.⁴⁵

The 1992 Marshall Macklin and Monaghan study (see below) is not mentioned in the 1993 report. It too acknowledged the challenges, but simply considered them design issues.

B. 1992 Marshall Macklin and Monaghan report

In February 1992 a report by the consulting group Marshall Macklin and Monaghan Limited (MMM) entitled, “Route Selection Study for On-Street Bicycle Lanes” identified Bloor-Danforth as an ideal east-west route that could become a spine for Toronto’s cycling network.⁴⁶ The report, prepared for Toronto’s Planning and Development Department, noted the advantages of Bloor-Danforth as including: 1) most popular route surveyed in 1990 Bike to Work Survey; 2) excellent potential for utilization; 3) direct route that spans the entire east-west length of the City; and 4) excellent topography (i.e. few difficult slopes).

The objective of the report was set out as:

... the implementation of on-street commuter bike lanes in the City of Toronto. The purpose of the study was **to identify recommended routes, design criteria and implementation strategies for a pair of major north-south and east-west bicycle lanes traversing the City of Toronto.** The recommended routes which have been identified as a result of this study form the **base network or backbone from which a network of on-street bicycle lanes can ultimately be developed.** These routes will provide an

⁴⁵ Metro Transportation: “Review of Bicycle Facilities on Metropolitan Toronto Roads: A Research Report”, October 1993, at p. 194. [Available at Metro Toronto Library, call number: 388.41109 R265 HSS Toronto]

⁴⁶ Marshall Macklin and Monaghan “Route Selection Study for On-Street Bicycle Lanes”, Final Report, February 1992, prepared for Toronto Planning and Development Dept. A scanned copy of the report is available on google docs at: <https://drive.google.com/file/d/OB6flhtyqSSiyLUINYTFhTGNrNTg/view?usp=sharing> or in the Reference section of the Metro Library, call number: 711.72097135.

increased level of safety for both commuter and recreational cyclists by separation from motor vehicle traffic, and in some cases by utilization of traffic calming techniques.⁴⁷ (Emphasis added.)

Among the east-west routes studied were College/Carlton, Richmond/Adelaide, Queen St., Dundas St., and Bloor-Danforth.

The recommendations of the report stated:

The purpose of this report is to recommend two bicycle routes, one north-south, the other east-west, to form a “spine” network of on-street bicycle lanes in the City of Toronto. A series of implementation phases will enable the “spine” routes to be fully developed, as well as secondary support routes. Exhibit 3 details the route locations in the City of Toronto. The route recommendations are as follows:

Phase I (*in place by June 1992*)

- BAY/DUPLEX complete route
- BLOOR STREET from Sherbourne Street to Spadina Avenue

Phase II (*in place by October 1992*)

- COLLEGE/CARLTON from Manning Avenue to Church Street
- BEVERLEY/ST. GEORGE complete route

Phase III (*study complete by Fall 1992, implementation by 1993*)

- BLOOR STREET WEST and DANFORTH AVENUE from city limit to city limit
- YONGE STREET from Front Street to the northern city limits

Phase I of the “spine” routes are recommended for immediate implementation with the appropriate design alterations. Phases II and III have been recommended for future implementation with additional design considerations.⁴⁸ (Emphasis added)

The recommendations also included the counting of bicycles in traffic counts.

C. Popularity of Bloor-Danforth for cyclists

The general importance of bike lanes for cyclists remains clear. A 2009 Ipsos Reid poll for Toronto noted that “Safety on roads remains the public’s principal concern about cycling.”⁴⁹

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, at p. 1.

The report noted that two thirds of cyclists did not feel comfortable cycling on roads without bike lanes.

Cycling on Bloor-Danforth remains popular despite the lack of cycling infrastructure. For example, a bike count for July 2010 at Bloor and Castle Frank showed about 1,600 cyclists for a one day period in the westbound direction, and 1,850 for a one day period in the eastbound direction.⁵⁰ The spikes in these figures on an hourly basis occur during the morning and afternoon rush hour.

Castle Frank has recently been found to be among the most dangerous intersections for cyclists in Toronto.⁵¹ The same study found that among the 25 most dangerous intersections, six were on Bloor St. This included Castle Frank, Parliament, St. Thomas, Havelock, Brock and Keele.

Mode share of cycling in parts of the city that include Bloor St. have also been shown to be “high” -- about 7.5% of mode share in Wards 19 and 20 in the area of Avenue Rd. to Shaw St.⁵²

4. “Shifting Gears” – City of Toronto’s 2001 Bike Plan

The June 2001 City of Toronto Bike Plan, entitled “Shifting Gears”,⁵³ envisioned 495 km of on-street bike lanes, as well as 500 km of recreational trails. The plan covered the years 2002-2011, and was subsequently extended to 2012.⁵⁴ The Bike Plan did not include a bike lane on Bloor-Danforth, however, the plan left open the potential for changes to the routes to be implemented.

⁴⁹ Ipsos Reid: “City of Toronto Cycling Tracking Report (1999 and 2009)”, at p. 10; online at: http://www1.toronto.ca/city_of_toronto/transportation_services/cycling/files/pdf/cycling_study_1999_and_2009.pdf

⁵⁰ City of Toronto: “Summary of Automatic Bicycle Counts”, Bloor and Castle Frank; online at: http://www1.toronto.ca/City%20of%20Toronto/Transportation%20Services/Cycling/Files/pdf/bloor_castlefrank.pdf

⁵¹ Verster, Adrian: “Most Dangerous Bike Intersections in Toronto”, 2013, online at: <http://ajverster.github.io/blog/2013/08/25/most-dangerous-bike-intersections-in-toronto/>

⁵² Think and Do Tank: “A snap shot of urban cycling in Toronto”, online at: http://www.torontocycling.org/uploads/1/3/1/3/13138411/a_snapshot_of_urban_cycling_in_toronto_23_june_tl.pdf See also: City of Toronto, “Open data catalogue”; online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=1a66e03bb8d1e310VgnVCM10000071d60f89RCRD>

⁵³ City of Toronto Bike Plan: “Shifting Gears”, June 2001; online at: https://www1.toronto.ca/City%20of%20Toronto/Transportation%20Services/Cycling/Files/pdf/B/bike_plan_full.pdf

⁵⁴ The extension in time was the result of the adoption of the City’s “Clean Air, Climate Change and Energy Efficiency Action Plan” in June 2007. Council thereby directed Transportation Services to implement the Bike Plan, albeit within the extended date. Note: the City’s cycling budget for the 2009-2013 term was \$69.3 million, although \$28.8m of this total was from external sources for implementation of the Finch-Gatineau hydro corridor.

The report itself noted the significant potential of cycling in Toronto, in part based on the public consultation that preceded the report:

The Toronto Bike Plan establishes a vision for cycling in Toronto. To “shift gears” towards a more bicycle friendly city, the Plan sets out integrated principles, objectives and recommendations regarding safety, education and promotional programs as well as cycling related infrastructure, including a comprehensive bikeway network.

The City has a long history of commitment to encouraging cycling, dating back to the creation of the Toronto City Cycling Committee in 1975.

Over the years, both the City and the Cycling Committee have continued to focus their efforts on encouraging cycling as a practical mode of transportation for Torontonians. A **central premise in the development of the Toronto Bike Plan was to actively involve members of the public, staff from other City departments, the Toronto Cycling Committee and key stakeholders in all phases of the study.** Key activities included meetings with a Technical Steering Committee, Bicycle Tours with stakeholders in the four City Districts, a Bikeway Planning and Design Seminar for City Staff, two series of public workshops held at four locations across the City and a formal Public Attitude Survey of over 1,000 Toronto Residents.⁵⁵

The plan’s implementation, particularly in terms of on-street routes, was a failure. Over the 11-year course of the plan, only 17% of promised on-street bike lanes were installed.⁵⁶ As of May 2015, the City is working on a new cycling plan (anticipated to be completed by the fall of 2015).

As of December 31, 2014 there are 115.1 km of bike lanes in Toronto⁵⁷, on a road network of over 5,400 km. In 2001 (just after amalgamation in 1998), the City of Toronto⁵⁸ had 35 km⁵⁹ of

⁵⁵ Toronto: “Shifting Gears”; online at: https://www1.toronto.ca/City%20of%20Toronto/Transportation%20Services/Cycling/Files/pdf/B/bike_plan_full.pdf

⁵⁶ The objective was 495 km of bike lanes by 2011 (subsequently extended to 2012). In 2001, 35 km of bike lanes were in place (all of them in the old city of Toronto, prior to amalgamation). Thus, 460 km of new on-road bike lanes were to be installed by 2012.

⁵⁷ Toronto: “Cycling Network Status”; online at: <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d7c3970aa08c1410VgnVCM10000071d60f89RCRD> [accessed March 3, 2015]

⁵⁸ The old City of Toronto was amalgamated with the cities of Etobicoke, York, North York, and Scarborough, plus the borough of East York, in 1998 under Provincial Premier Mike Harris’ Administration.

⁵⁹ The City of Toronto Bike Plan (at p. 5-2) reports that “Currently there are about 35 kilometres of bike lanes in the City.” The Plan’s goal of 460 km of new bike lanes accords with the 35 km figure for existing lanes and the overall target of 495 km of bike lanes. The Bike Plan notes that there were 166 km of bikeways (mostly off-road paths) at the time of the new plan (at p. 2, Executive Summary, and p. 5.2). The Plan also notes at p. 2-1 that after the rise of

bike lanes meaning that a mere 80 km of on-street bike lanes --- or about 5.7 km per year --- were installed in the 14-year period 2001-2014. It is arguable that --- particularly in the context of significantly increased attention to the benefits of cycling --- the comprehensive Bike Plan prompted only a small increase in action for on-street cycling infrastructure in Toronto relative to the prior rate of increase.⁶⁰

By comparison New York City added 50 km of *separated* bike lanes alone since 2007, mostly in crowded Manhattan. Interestingly, studies for the NYC separated bike lanes have shown that motor traffic now moves more smoothly and overall safety has improved for all users, despite a narrowing of the motor lanes.⁶¹

Given the recent change in the counting of bike lanes⁶², the City now reports that it has 230.2 of bike lanes, including 15.1 km of cycle tracks (or separated lanes).⁶³ By either the old or new measure Toronto has virtually the same length of bike lanes it did in 2010 when the last Council took office. The City also has the dubious distinction of actually removing bike lanes, which it is has proven to be capable of doing with an efficiency and speed inversely related to the efficiency and speed of installation. Over the last term of council (2010-2014) bike lanes were

the automobile in the early decades of the 20th Century “The bicycle, as a means of adult transportation, was absent from most North American cities, including Toronto, until the early 1970s.”

⁶⁰ This observation may be useful as Toronto will devote significant attention to its most recent bike plan. The Bike Plan notes that the first bike lane in Toronto was installed in 1979. Thus in the 21-year period 1979-2000, 30 km --- or 1.4 km per year --- were installed in Toronto. It is likely however that this rate of installation was only for the old city of Toronto, and therefore included a much smaller area than that encompassed by the 2001 Bike Plan. The Bike Plan suggests that the 1992 MMM report “paved the way for the first significant expansion of the on-street bikeway network.” In 1995, based on various cycling initiatives in Toronto, including pro-cycling changes to the Official Plan, Bicycling Magazine named Toronto “the number one Cycling City in North America” (at p. 2-3). Ironically, in 2015, the Cambridge, Ontario-based group Share the Road, awarded the City with a “gold” award. The award is based on a criteria established by a Washington-based cycling organization that puts only minimal attention on on-street infrastructure. The criteria includes such things as encouragement, enforcement, and engineering. The award may reflect the fact that Toronto is being measured against some US cities that until recently were doing nothing for cycling, whereas Toronto could have won gold in 1995, but has effectively regressed since that time. The “gold” award is still two steps from the highest ranking -- “diamond”.

⁶¹ VOX: “Bike lanes have actually sped up car traffic in New York”, September 8, 2014; online at: <http://www.vox.com/2014/9/8/6121129/bike-lanes-traffic-new-york>

⁶² As noted, In 2014, Toronto began counting bike lanes in a different fashion so that one km of bike lane on one side of the road is now added to the one km on the other side of the road, equalling two km of bike lanes. Roads are also now counted in the same manner. (Thus a four lane road that covers 1km would now be counted as 4 km of roads.) The change in counting of bike lanes might, however, suggest to the public a far greater increase --- particularly in relation to the 2001 Bike Plan approach --- than is actually the case.

⁶³ Toronto: “Cycling Network Status”; online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d7c3970aa08c1410VgnVCM10000071d60f89RCRD> [accessed March 3, 2015]

removed from three streets: Jarvis, Pharmacy, and Birchmount.⁶⁴ The subsequent installation of the bike lane on Sherbourne was arguably at the expense of the Jarvis bike lane.

The City also has 328.2 km of signed routes and sharrows, which can most generously be described as a place holder for real cycling infrastructure, to be installed at some future date.

5. Studies and Reports

A. Public Works and Infrastructure Committee (PWIC) Feasibility Studies

Since 2005 any proposal for cycling infrastructure in Toronto first goes through the Public Works and Infrastructure Committee (PWIC) of City Council. The Committee has a chair, chosen from among councillors, as well as a number of sitting council members. As with other committees, once a motion is approved at PWIC, it goes to the 44-member council for a vote. Approval at PWIC will generally mean approval at Council.

In September 2007, PWIC approved a motion to undertake a feasibility study for a Bloor-Danforth “bikeway”. The feasibility study was related to the City of Toronto’s sustainable transportation initiatives. The backgrounder to the 2007 PWIC item for the study stated:

The purpose of this report is to present a **number of additional sustainable transportation initiatives**, beyond those contained in the “Climate Change Plan”, **that could be implemented fairly quickly and, in most cases, at relatively little expense**. Although each initiative may seem modest in scope, collectively they signal a new way of looking at, implementing, and operating the City’s transportation system and provide a launch for more fundamental city-building changes that will be required **to achieve the long-term vision of a truly sustainable transportation system for Toronto**. These initiatives will also form a component of the longer-term and broader-scoped Sustainable Transportation Implementation Strategy that City Council, in dealing with the “Climate Change Plan”, has directed staff to prepare in order to achieve the reduction targets for greenhouse gas emissions and smog-causing pollutants.⁶⁵ (Emphasis added)

The specific, subsequently adopted, recommendation was to:

⁶⁴ City of Toronto: “Bikeway Network – 2011 update”, June 9, 2011; online at: <http://www.toronto.ca/legdocs/mmis/2011/pw/bgrd/backgroundfile-38906.pdf>

⁶⁵ Richard Butts, Deputy City Manager: “Staff Report for action on Short-term Proposals”, September 19, 2007; online at: <http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-7193.pdf>

... direct the General Manager, Transportation Services **to report on the feasibility of establishing a bikeway on Bloor Street and Danforth Avenue**, from Royal York Road to Victoria Park Avenue, **including the development of design options** and an assessment of the parking and traffic impacts, and report to the Public Works and Infrastructure Committee on the results of this review ...⁶⁶ (Emphasis added.)

Weeks before the finalization of the study and its presentation to PWIC, the Chair of the City Cycling Committee⁶⁷, Adrian Heaps announced --- to substantial fanfare⁶⁸ --- the imminent release of the document. He even suggested that a bike lane, if approved, could be in place on Danforth (given its substantial width) before the end of the year. The next step would be to move towards detailed design and public consultation.

The media attention spurred behind-the-scenes pressure on councillors --- likely from merchants --- particularly along Danforth Ave.

The feasibility study was to be debated at the June 3, 2009 PWIC meeting, however, at the meeting only three paragraphs in a report (dated May 25, 2009) from the General Manager, Transportation Services, mentioned the feasibility study.⁶⁹ In this report, the feasibility study was re-branded as a “preliminary evaluation”:

Transportation Services has completed a **preliminary evaluation** of existing parking and traffic conditions and potential bikeway design options for the Bloor-Danforth corridor, **with the goal of maintaining the existing parking and traffic capacity**. Given the varying conditions on Bloor Street and Danforth Avenue, it is **not feasible to accommodate a consistent bikeway design** along the entire corridor and maintain the existing parking supply and traffic capacity. However, the preliminary evaluation indicates that some of the wider roadway sections have the potential to accommodate bicycle lanes with minimal impacts.

Transportation Services will be **retaining the services of a transportation consultant** to undertake the next phase of work: a **comprehensive analysis** of traffic and parking needs

⁶⁶ Richard Butts, Deputy City Manager: “Staff Report for action on Short-term Proposals”, September 19, 2007; online at: <http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-7193.pdf>

⁶⁷ The City Cycling Committee was eliminated during the following council term.

⁶⁸ See for example: Globe and Mail: “War of the wheels looms with cross-city bike plan”, Jeff Gray, May 20, 2009; online at: <http://www.theglobeandmail.com/news/national/war-of-the-wheels-looms-with-cross-city-bike-lane-plan/article4273868/>

⁶⁹ “Toronto Bike Plan – New Strategic Directions” (PW25.22): backgrounder prepared by General Manager, Transportation Services, May 25, 2009 (considered at PWIC of June 3, 2009); online at: <http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-21588.pdf> See also: Toronto Public Works Committee, June 3, 2009: The issue in PW25.22 is marked as “received”, and noted as being for information purposes only. The matter is noted as requiring no further action; online at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.PW25.22>

along the corridor; a detailed evaluation of the **bikeway design options and their impacts on traffic** and parking; an evaluation of measures to mitigate any **impacts on traffic** and parking. The bikeway study will consider the various planning studies along the Bloor-Danforth corridor including, the Bloor-Dundas Avenue Study, the Bloor Visioning Study, the Kingston Road Transit Class Environmental Assessment Study, and others.

The Transportation consultant will prepare detailed drawings of the proposed design options for the review and consideration of the affected local Councillors. The consultant will also manage a comprehensive public consultation strategy to engage the business and residential communities along the corridor in a review of the design options and their impacts. The results of this design and consultation process and a proposed phased implementation strategy will be reported to Council.⁷⁰ (Emphasis added)

The language of Transportation Services was presumably intended to satisfy the new political direction. Many of the statements noted above distorted the initial purpose of the feasibility study. For example, the original question was not whether a ‘consistent design’ could be achieved along all of Bloor-Danforth or whether there would be an impact on motor traffic.

Also interesting is the fact that there was no mention of an environmental assessment (EA) --- or a requirement for an EA --- but simply that a transportation consultant would be hired to undertake a comprehensive analysis. As will be discussed below, this original reference to a consultant (intended to assuage opposition voices) later became the proposal for an EA, which later devolved into a mindset at City Hall that an EA for a bike lane is always required by law!

The bias in the language of the report is also obvious. Bike lanes are to be studied for their impact on “traffic” – a reference which means car traffic, excluding bicycle traffic.

The feasibility study was never publicly released although Bells on Bloor obtained a copy through a *Freedom of Information* request. About 1000 pages of the feasibility study were reviewed and copies obtained of many of these pages. Not surprisingly, the study noted that there would be some loss of on-street parking and the loss of some rush hour lanes but ultimately (although not explicitly stated) that the bikeway was feasible.

The feasibility study was again mentioned in June 2011, when the EA was abandoned but the conclusions, which had never been explicitly stated in the actual report, were again tailored to the new political direction.⁷¹

At the same June 2011 meeting, PWIC approved a separated bike lane network for the downtown, which became the main cycling initiative for 2010-2014. (The separated bike

⁷⁰ *Ibid.*

⁷¹ Toronto, PWIC: “Bikeway Network – 2011 Update”; June 23, 2011 (council approval on July 12, 2011); online at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PW5.1>

network would include Harbord-Wellesley on the north side, Adelaide-Richmond on the south, Sherbourne on the east, and St. George on the west.)

After December 1, 2014, when a new City Hall Administration took office, a briefing note from Transportation Services to the budget committee revived the idea of a feasibility study, which was now to be called a “preliminary feasibility study” with largely the same objective as the first study. (The original study was not even mentioned.)

B. Environmental Assessment (EA) and Municipal Class EA (MCEA)

The Ontario *Environmental Assessment Act* (Ontario EAA) requires that all public projects undergo an environmental assessment, to be approved by the Minister of the Environment. Many projects, however, are removed from the provincial process if they fall within a defined class of projects --- usually with similar environmental impacts and mitigation measures --- such as roads, sewage works, forestry operations, transmission lines, and highways. In these cases, the “class” EA rules relevant to that project apply. As long as the rules for the class of projects are followed, then provincial approval is not required.

A class of projects is usually divided into several schedules with more or less rigorous requirements depending on the particular schedule. Road works are a class of projects that fall under the *Municipal Class Environmental Assessment* (MCEA).

The MCEA, including road and sewage works, was first approved by the Ontario Ministry of Environment in 1987⁷².

The fact that a copy of the MCEA is not even publicly available without the payment of a fee (except by way of a cumbersome page-by-page review of the document on the Municipal Engineers Association (MEA) website) is a matter of long-standing criticism. The response to a recent complaint to the Ministry of Environment about the lack of availability of this legal document contained the banal statement: “The Ministry continues to work with and to encourage the MEA to better address the concern you have raised.”⁷³

A scanned copy of the MCEA schedules has, however, been posted on google docs at: <https://drive.google.com/file/d/0B6flhtyqSSiyZTBJUG05dGE2N1E/view?usp=sharing>

⁷² Municipal Engineers Association; online at: <http://manual.municipalclassea.ca/classea/manual/manualSimple.asp?docsetID=A523A5DA-6B61-4130-9DF4-3CB77514411B>

⁷³ Ministry of Environment, Letter to Kirsten Mikadze, March 27, 2014; online at: <https://drive.google.com/file/d/0B6flhtyqSSiyYkxKRkM5MUFWTIU/view?usp=sharing>

The MCEA divides road projects into schedules A, A+, B, and C. Bike lanes fall within Schedule A or A+ unless the roadway must be widened, which is rarely the case. Schedule A and A+ projects are considered “pre-approved” meaning that the main requirement, as noted above, is merely to notify the public prior to project implementation.

Item No. 3 of the schedule (in the most recent version of the MCEA approved in 2011) is clear, however, in making bike lanes within existing rights-of-way exempt from every requirement except notification to the public. No. 3 in the Table of Projects reads: “**Construction or operation** of sidewalks or bicycle paths or **bike lanes within existing rights-of-way.**” (Emphasis added.) The project is still technically subject to the MCEA but, as noted, no other actions (beyond notification to the public) are required. It does not matter how much the project costs.

A previous version of the MCEA, amended in 2007, had identical wording.⁷⁴

It is also useful to note that when the municipality makes a classification decision, the courts are unlikely to interfere with it unless it is clearly wrong. This was the gist of the decision in *William Ashley China Limited v. City of Toronto*.⁷⁵ In that case, there was a very strong argument that the \$25 million project should have been classified under the more onerous Schedule B or C. The court nonetheless deferred to the city’s decision even though the city could only --- in terms of its decision-making process --- point to a short email where a senior city official said there were no EA requirements. (See section 9 below: Legal Initiatives.)

Interestingly, despite the apparent clarity of the MCEA relating to bike lanes, there has been an effort to further clarify provisions covering bike lanes or “bike facilities”. In December 2013 the MEA, which oversees the administration of the MCEA, wrote to the Minister of Environment (who must approve any changes to the MCEA) asking, among other unrelated matters, that the Table of Projects be clarified with respect to cycling facilities.⁷⁶ For example No. 3 would henceforth read: “Construction or removal of sidewalks or multi-purpose paths or cycling lanes within existing or protected rights-of-way.”⁷⁷

Clarification for other projects are also proposed.

⁷⁴ Municipal Class Environmental Assessment, October 2000, as amended in 2007, approved by the Minister of Environment on September 6, 2007.

⁷⁵ *William Ashley China Limited v. City of Toronto*; online at: <https://www.canlii.org/en/on/onscdc/doc/2008/2008canlii56705/2008canlii56705.html?searchUrlHash=AAAAAQApV2l5bGlhbSBBC2hsZXkgQ2hpbmEgdi4gQ2l0eSBvZiBUB3JvbnRvLiAAAAAAQ&resultIndex=1>

⁷⁶ Municipal Engineers Association, Dec. 5, 2013, letter to Ministry of Environment; available on google docs online at:

https://drive.google.com/a/koehl.ca/file/d/0B6flhtyqSSiydIVtYzVXbG01UWc2RTI5Q0wtUE55eUpEcVJJ/view?usp=s_haring (The document is also available on the MEA site but it appears to be difficult to open: online at: <http://municipalclassea.ca/Amendments/NoticeofProposedAmendments.aspx>

⁷⁷ *Ibid.*

The Toronto Centre for Active Transportation (TCAT) commented in favour of the proposed clarification for “cycling facilities.” A final decision from the Minister of Environment is apparently imminent. The fact remains, however, that the MCEA should never have been an issue for Bloor-Danforth bike lanes.

As noted in section 5A, above, the origin of the EA for Bloor-Danforth bikeway was related to the controversy provoked by the announcement by Councillor Adrian Heaps of the imminent release of the feasibility study in 2009. Initially, it was announced that a transportation consultant would be hired, but without mention of an EA.⁷⁸

In early 2010, a consultant was hired to begin the EA for a 24-km bikeway from Victoria Park Ave. in the east to Kipling St. in the west. The Globe and Mail reported, “The municipal government quietly issued a request for proposals for an environmental assessment – **believed to be a first for a bike lane in Toronto** – of the corridor on January 27.” (Emphasis added.)⁷⁹

Councillor Adrian Heaps, chair of the Cycling Committee is quoted in the article saying: “I was sick and tired of looking at Bloor-Danforth in a fragmented fashion ... It deserves to be looked at as an entire corridor the same way as a subway.” Thus, although Heaps’ motivation appears to have been genuine in the desire to move the cycling network forward in one bold step, more recent history shows that Toronto’s timorous approach to cycling infrastructure makes the success of any grand vision unlikely. In addition, the significant cost of an EA tends to play into the hands of opponents of cycling.

Although consultation and design are important parts of a planning process, the cumbersome and time-consuming nature of an EA may give greater voice to opponents and ultimately thwart on-the-street action. It would likely be more productive to focus directly on issues of design and proper planning for waste collection, deliveries, and Wheel Trans vehicles.

It is unclear who actually approved the Request for Proposals (RFP) for the EA. The backgrounder for an earlier meeting does contain a letter from the Cycling Advisory Committee in which it asks PWIC for details about the pending RFP for the Bloor-Danforth bikeway.⁸⁰

⁷⁸ See for example: Globe and Mail: “War of the wheels looms with cross-city bike lane plan”, May 20, 2009, online at: <http://www.theglobeandmail.com/news/national/war-of-the-wheels-looms-with-cross-city-bike-lane-plan/article4273868/>

⁷⁹ Globe and Mail: “Bloor-Danforth bikeway plan rolls on”, Kelly Grant, March 16, 2010; online at: <http://www.theglobeandmail.com/news/toronto/bloor-danforth-bikeway-plan-rolls-on/article4310305/> The same article quotes Councillor Glenn deBaeremaeker as saying: “The Bloor-Danforth route will happen, from the East end to the West end ... And we will all survive ... It is not as radical, I think, as some people would try to pretend it is. We’re not trying to declare war on anybody.”

⁸⁰ Cycling Advisory Committee: Letter to PWIC, dated September 23, 2009; online at: <http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-23813.pdf>

A report from Transportation Services to PWIC on June 9, 2011 recommended the abandonment of the Bloor-Danforth EA (and therefore the bikeway) with the following language:

It is recommended in order to achieve and focus on implementation of the elements addressed in this bike plan that the work on the Bloor-Danforth Bikeway Environmental Assessment previously authorized by City Council, **not proceed further at this time and the currently available resources be directed toward delivering the cycling facilities set out in this report.**⁸¹ (Emphasis added.)

On October 21, 2013, the EA was revived by six Bloor St. councillors led by Ward 20 Councillor Adam Vaughan⁸² at the PWIC, despite urging from Bells on Bloor⁸³ and the Annex Residents Association to focus instead on doing a pilot project.⁸⁴

The EA proposal was considered by Council (and approved) on November 13, 2013 but included only the stretch of Bloor St. from Sherbourne St. in the east to Keele St. in the west.⁸⁵ The matter had first been raised by Councillor Vaughan at the June 19, 2013 meeting of PWIC. Thereupon Transportation Services prepared its background⁸⁶ for the proposal. The backgrounder noted that the Bloor EA could be combined with a proposed study for bike lanes on Dupont, allowing for a savings of \$50,000. The Bloor portion of the EA would have cost \$300,000 and the Dupont study \$200,000.

A particular problem with an EA, aside from the fact that it is not a legal requirement, is that it is very expensive, lengthy, and defers a real decision until some unspecified future date. Ultimately, an EA is not an approval; it is simply a study. A deputation in October 2013 by Bells on Bloor called on PWIC to make the pilot the priority.⁸⁷ Cycle Toronto had circulated a petition asking both for the revival of the EA and a pilot project. The demand for an EA, however, was

⁸¹ Toronto Public Works and Infrastructure Committee: "Bikeway Network – 2011 Update"; June 9, 2011; online at: <http://www.toronto.ca/legdocs/mmis/2011/pw/bgrd/backgroundfile-38906.pdf>

⁸² Toronto Public Works and Infrastructure Committee: "Bloor-Dupont Bikeway Environmental Assessment Study," October 21, 2013 (approved by Council on November 13, 2013); online at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW26.5>

⁸³ Bells on Bloor: Letter to Councillors Vaughan, Bailao, Perks, Doucette, Wong-Tam, and Layton; October 7, 2013; available on google docs at:

<https://drive.google.com/file/d/0B6flhtyqSSiyLW9SN0tXY09nWVI6TkIxbXF5S05NZG9RREFJ/view?usp=sharing>

⁸⁴ The wards implicated by this more limited proposal included: Parkdale-High Park, Ward 14 (Gord Perks), Davenport, Ward 18 (Ana Bailao), Trinity-Spadina, Wards 19 and 20 (Adam Vaughan and Mike Layton), Toronto Centre-Rosedale, Wards 27 and 28 (Kristyn Wong-Tam and Pam McConnell).

⁸⁵ PW26.5: Bloor-Dupont Bikeway Environmental Assessment, October 21, 2013; online at: <http://www.toronto.ca/legdocs/mmis/2013/pw/bgrd/backgroundfile-62328.pdf>

⁸⁶ General Manager, Transportation Services to PWIC, October 1, 2013; online at: <http://www.toronto.ca/legdocs/mmis/2013/pw/bgrd/backgroundfile-62328.pdf>

⁸⁷ Annex Residents Association (Koehl, Albert): Deputation to PWIC; October 21, 2013; available on google docs at:

partly premised on the erroneous assertion of City Hall that an EA was required prior to additional action on Bloor bike lanes.

In a briefing note on February 20, 2015 from Transportation Services to the City's Budget Committee⁸⁸ it was revealed that the EA had not even been started. Although this development sparked some outrage among certain councillors, it was unclear why they had not raised the matter earlier, instead of waiting till contacted by media almost a year after the report was to be commenced.

C. Toronto Coalition/Centre for Active Transportation (TCAT) Parking Studies for Bloor-Danforth

TCAT, under the umbrella of the Clean Air Partnership, has undertaken three studies of the impacts of the removal of parking to install bike lanes for particular stretches of Bloor-Danforth. These studies included one for the Annex in 2009, a second for Bloor-West in 2010, and a third on a stretch of Danforth in 2014.

The following significant, often overlapping, conclusions were reached by the reports:

*Bloor-Annex*⁸⁹

- a) Only 10% of business for local merchants was from motorists;
- b) Cyclists, without the benefit of bike lanes, accounted for about the same percentage of business as motorists;
- c) Pedestrians and cyclists spend the most money at local businesses each month;
- d) The reduction in on-street parking could be accommodated in the area's municipal parking lots;
- e) A bike lane for Bloor was the preference of most residents over wider sidewalks by a score of 4 to 1;
- f) Bike lanes had strong support from merchants with merchants in favour of bike lanes or wider sidewalks outnumbering those opposed.

⁸⁸ Transportation Services: 2015 Capital Budget Briefing Note, February 20, 2015; online at: <http://www.toronto.ca/legdocs/mmis/2015/bu/bgrd/backgroundfile-76740.pdf>

⁸⁹ Clean Air Partnership: "Bike Lanes, On-Street Parking and Business," February 2009; online at: <http://www.cleanairpartnership.org/pdf/bike-lanes-parking.pdf>

*Bloor-West*⁹⁰

- a) **Only 1 out of 5 (20%) people surveyed usually drive to the area;**
- b) Merchants overestimated the percentage of people who drive to the Bloor West Village
- c) More than half of merchants surveyed believed that adding a bike lane or widening sidewalks would either increase or have no impact on their daily number of customers;
- d) People who arrive by transit, foot, and bicycle visit more often and report spending more money than those who drive;
- e) People who preferred to see street use reallocated for widened sidewalks or a bike lane were significantly more likely to spend more than \$100 per month than those who preferred no change; and
- f) **the majority of people surveyed (58%) preferred to see street use reallocated for widened sidewalks or a bike lane**, even if on-street parking were reduced by 50% (Emphasis added.)

*Danforth*⁹¹

- a) **Less than 1 out of 5 visitors drive to the Danforth;**
- b) Merchants overestimate the importance of drivers to their business, and underestimate the importance of cyclists;
- c) Those who live or work in the area visit the Danforth more frequently than those who do not: 78% of those who live in the area visit more than five times per month whereas only 23% of those who do not live or work in the area visit more than five times per month;
- d) Those who live or work in the area spend more money than those who do not: 62% of those who live in the area spend over \$100 per month whereas only 10% of those who do not live or work in the area spend over \$100 per month;
- e) Those who walk to The Danforth are much more likely to spend more money than those who drive or take public transit: 67% of those who walk spend over \$100 per month whereas only 14% of those who take public transit and 31% of those who drive spend over \$100 per month;

⁹⁰ Clean Air Partnership: "Bike lanes, on-street parking and business. Year 2 Report: A Study of Bloor Street in Toronto's Bloor West Village"; online at:

http://tcat.ca/sites/all/files/BikeLanes_Parking_Business_BloorWestVillage.pdf

⁹¹ Clean Air Partnership: "Bike Lanes, On-Street Parking and Business – A study of Danforth Avenue in Toronto Danforth Neighbourhood", 2014; online at: <http://www.tcat.ca/knowledge-centre/bike-lanes-on-street-parking-and-business-a-study-of-danforth-avenue-in-toronto-danforth-neighbourhood/>

- f) The difference between the infrastructure merchants want for visitors, and what visitors say they want is substantial; merchants favour increased parking, but **more parking was their customer's lowest priority;**
- g) Survey respondents who reported spending over \$300 or more in a typical month in the neighbourhood preferred street changes that included bike lanes and reduced on street parking;
- h) **Overall the majority of people surveyed (71%) preferred to see street use reallocated for widened sidewalks or a bike lane.** Support was only slightly higher for those who live in the area (72%) than those who don't (69%); and
- i) Looking at preference by mode of transportation, the highest support for change was found amongst people who take public transit to the Danforth (77%), followed by those who walk to the area (72%). Interestingly, even the majority of drivers (59%) would prefer streetscape changes. (Emphasis added.)

All three reports confirmed that merchants generally overestimate the percentage of their clients that arrive by car. This same conclusion has been reached by other reports. An important additional resource for cycling advocates on the issue of parking is a comprehensive study by UCLA Professor Donald Shoup, *The High Cost of Free Parking*.⁹²

D. The Annex Patio Box Proposal (and parking study)

In 2012, Councillor Vaughan, apparently at the instigation of the Bloor-Annex BIA, made a "request to explore road alterations" for Bloor from Bathurst St. to Spadina for patio boxes, similar to ones that had been installed on Church St. for the summer months.⁹³ The request was considered by the Toronto and East York Community Council on September 11, 2012, and subsequently approved by Council.

The ultimate purpose was "to expand the pedestrian realm into a section of one curb lane, with the possibility of another section of the one curb lane being used as a cycling lane." ... "I would like to recommend staff explore this idea, and report back on the feasibility and implications of this request, including the number of parking spaces impacted, and which side of the street would best be suited for this proposal." [Given the relatively narrow width, it was never clarified how a single curb lane could accommodate a patio box *and a bike lane*.]

⁹² Shoup, Donald: *The High Cost of Free Parking*, 2011, The American Planning Association.

⁹³ Toronto and East York Community Council, Item TE18.114, "Request to Explore Road Alterations – Bloor Street West, Spadina Avenue to Bathurst Street", September 11, 2012; online at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE18.114>

In July and August of 2013, the rush hour (4pm to 6pm) traffic lane along the north side of Bloor St. between Bathurst and Spadina streets was eliminated (i.e. car parking was allowed for the entire day instead of being converted to a traffic lane during rush hour).⁹⁴ It is unclear from the documents whether the temporary removal of the rush hour lane was considered a “pilot” project or whether it was in anticipation of the pilot patio box (and bike lane) project.

The preliminary analysis predicted a significant negative impact on (motor) traffic.⁹⁵ The final report, which was sent by email to Councillor Vaughan on January 16, 2014, made a similar conclusion noting there would be a "significant negative impact" on motor traffic from eliminating the 4-6pm westbound rush hour lane (by allowing for parking).⁹⁶

Of course, if single occupant vehicle use was the city's (and province's) only priority then this would end the matter. (And given this was the last anyone has heard about the patio box proposal, it appears to have indeed ended the matter.) The numbers in the report, which use 2012 as a baseline (although it's unclear if the counts were done on all 60 days of the study period) also raise a number of questions:

1. The AM peak numbers show significant increases and decreases in eastbound and westbound motor traffic, when one would expect the numbers to be similar to the baseline BECAUSE THERE IS NO ON-THE-ROAD CHANGE FOR THE MORNING PEAK;
2. It is unclear whether there is any adjustment for the lower summer traffic numbers (ie are some of the lower car traffic numbers due to lower summertime motor traffic?). [The report suggests adjustment for seasonal variation, but it does not elaborate.]

⁹⁴ The manner in which this “exploration” of the impact on parking was carried out is specified in City of Toronto staff memo from Transportation Services, dated April 22, 2013; online at: <http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-57884.pdf>

The department's preliminary analysis suggested there would be a significant negative impact on rush hour traffic:

During the weekday morning peak hour, there is an average of about 1,000 eastbound motorists on Bloor Street West, with a range of 450-1,500 vehicles. During the weekday afternoon peak hour, there is an average of about 950 westbound motorists on Bloor Street West, with a range of 550-1,400 vehicles. Capacity analysis has disclosed that the loss of a traffic lane in either direction would potentially result in significant impacts to east-west traffic during the peak periods. The analysis indicates that up to 450 westbound motorists in the weekday afternoon peak hour could be displaced by the removal of the north curb lane. The reduced road capacity could potentially result in bottle-necks and redirecting traffic to adjacent residential streets.

⁹⁵ *Ibid.*

⁹⁶ Email from Dan Clement to Councillor Vaughan, January 16, 2014; google docs online at: <https://drive.google.com/file/d/0B6flhtyqSSiyencwckN5elg1d28/view?usp=sharing>

3. Presumably some of the change in motor traffic can be attributed to the delays from motorists parallel-parking on the road. A bike lane would actually reduce such flow disruptions;

In addition, it is useful to note that the pilot parking study was only for Bathurst to Spadina (about 0.6 km), when a bike lane project would at least also run from Spadina to Avenue where the road is far wider.⁹⁷

As well, the rush hour lane is actually a hazard to cyclists since the lane is too narrow to safely accommodate cars and bikes. (See photo on p. 5.) Cars either pass perilously close to cyclists, or must move into the other lane.

Finally, it is worth noting that the impact on traffic would be far greater by increasing parking than from adding a bike lane. The first initiative reduces potential traffic on the road; the second increases traffic (ie people in cars or on bikes). The result on overall traffic would presumably be positive, when cyclists are counted, after converting the parking lane into a travel lane for cyclists.

Six residents' associations wrote to Vaughan on January 14, 2014 to call for a bike lane pilot for the Annex between Bathurst and Avenue Rd. Vaughan eventually responded by letter that the bike pilot might be considered if room permitted i.e. once the patio boxes were installed.

The ARA pursued the bike pilot idea with Councillor Vaughan culminating in a May 2014 meeting with Vaughan's office (by this point he was running for the federal seat in Trinity-Spadina and did not attend the meeting), Dan Egan (the long-time Cycling Services Manager⁹⁸), and representatives from the Public Realm office. Egan quickly advised the group that his department did not have the resources to carry out such a pilot project.⁹⁹

⁹⁷ The consideration of a bike lane would have been for one side of the roadway only. When the ARA met with Vaughan in early 2013, he suggested it may be possible to increase the pilot all the way to Avenue Rd. for the purposes of the bike lane. Several months later, the ARA was informed by his office, during an unrelated meeting, that City staff had advised him it would be too complicated to expand the study.

⁹⁸ In fact, Egan had been involved in the drafting of the failed 2001 City of Toronto Bike Plan.

⁹⁹ It was unclear why this advice could not be given prior to the meeting. There was no suggestion that any additional action had been taken by the Councillor's Office to move the pilot forward, or even to discuss the matter with the Cycling Services Manager, Egan. The matter is recounted in a subsequent article in dandyhorse Magazine: "What's up Bloor bike lanes", Albert Koehl, August 6, 2014; online at: <http://dandyhorsemagazine.com/blog/2014/08/06/whats-up-bloor-bike-lanes/>

E. Bloor Visioning Study

Although the Bloor Visioning Study was not specifically about bike lanes, it did have a specific transport planning component.

A visioning study solicits the views of residents and the input of city planners and other interested residents, businesses, and landowners to determine the direction people want for their community. The final document does not contain legal requirements for developers but does specify the direction the community desires on issues such as building height, public areas, and transportation options. One of the study authors was Jennifer Keesmat, who is now the Chief Planner for Toronto.

The Bloor Visioning Study was divided into two parts. The first section, which has been completed, encompasses Bloor from Avenue Rd. to Bathurst St.¹⁰⁰ The second section, which has not been started, covers Bloor St. from Bathurst east to Christie/Grace streets.

The purpose of the Visioning Study is:

... to develop a shared vision for Bloor Street West for the next ten years, through consultation with area stakeholders including residents, businesses and landowners. The study will examine such matters as land use, built form, community services and facilities, transportation, heritage and urban design in developing a vision for the future evolution of the Corridor, as well as recommendations to achieve that vision.¹⁰¹

¹⁰⁰ City of Toronto: "Bloor Visioning Study"; online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnnextoid=25040621f3161410VgnVCM10000071d60f89RCRD>

¹⁰¹ *Ibid.* the origin of the Visioning Study is set out as follows:

At its meeting of July 19, 20, 21 and 26, 2005, Toronto City Council adopted a recommendation to initiate a community-based "Visioning Study" for this area. In particular, the study would look at Bloor Street West between Avenue Road and Christie Street, including the business communities of Koreatown BIA and Mirvish Village BIA.

The Visioning Study becomes a *policy* under the Official Plan by way of amendment to the Official Plan. The Amendment was adopted in December 7, 2009; Notice of Adoption of Official Plan Amendment No. 98 under *Planning Act*; online at:

http://www1.toronto.ca/city_of_toronto/city_planning/community_planning/files/pdf/bloorcorridor_notice_of_adoption.pdf The adoption notice states:

The purpose and effect of Official Plan Amendment No. 98 is to enact area-specific policies in Chapter Seven of the Official Plan, pertaining to properties on Bloor Street West, between Avenue Road and Bathurst Street. These policies identify certain nodes and precincts and provide a general direction for the future development of each. **The Official Plan Amendment also contains policies to recognize and encourage the continued cultural presence throughout the corridor; to improve the public realm through large and small-scale greening and streetscaping initiatives; to encourage and support environmental sustainability through new development; and to promote active transportation to, from and through the area.** The amendment also redesignates the land known as Ecology Park from Mixed Use Areas to Parks and Open Space Areas. (Emphasis added.)

The Visioning Study did not make provision for bike lanes on Bloor St., instead calling Bloor St. a “destination” for cyclists but not a route for cyclists. The origin of this odd concept is unclear. Councillor Vaughan in July, 2011 suggested at a PWIC meeting that the Visioning Study was subsequently changed to include bike lanes on Bloor.¹⁰² No formal confirmation of this view can be found in city documents or in the Visioning Study itself.

Interestingly, although the Visioning Study may not include bike lanes, the Official Plan for Toronto relating to the area specifically mentions active transportation “to, from, and through” the area, noting:

The Official Plan Amendment also contains policies to recognize and encourage the continued cultural presence throughout the corridor; to improve the public realm through large and small-scale greening and streetscaping initiatives; to encourage and support environmental sustainability through new development; **and to promote active transportation to, from and through the area.**¹⁰³

F. Toronto Public Health (“Healthy by Design”) Report

Toronto Public Health (TPH) has undertaken various studies about the importance of walking and cycling for health benefits. As part of a 2012 study, entitled “Road to Health”, TPH in conjunction with Healthy Canada by Design and other groups, undertook two studies in two Toronto neighbourhoods, including the Annex.

The Annex was chosen by the TPH study given its existing active transport policies, including a bike policy that calls for bike lanes on Bloor, lower speed limits, and related recommendations.

The study for the Annex determined that bike lanes on Bloor was the number one active transport priority of residents.¹⁰⁴

¹⁰² You Tube: PWIC: “Easier to get a tar sands project in Canada, than a bike lane in Toronto”, July 23, 2011; at 7 minutes, one second (Comment by Councillor Vaughan during questioning); online at: <https://www.youtube.com/watch?v=L00dlx7aQOs>

¹⁰³ City of Toronto: “Notice of Adoption of Official Plan Amendment”; online at: http://www1.toronto.ca/city_of_toronto/city_planning/community_planning/files/pdf/bloorcorridor_notice_of_adoption.pdf

¹⁰⁴ Toronto Public Health et al.: “Community Engagement and Active Transportation – Two Demonstration Projects in Toronto”, March 19, 2014; online at: <http://www.tcat.ca/project/community-engagement-active-transportation-two-demonstration-projects-in-toronto/>

6. Bloor cycling advocacy groups and initiatives

A. Take the Tooker

This group first met in the fall of 2005¹⁰⁵, and called for bike lanes along Bloor-Danforth --- “an east-west bicycle expressway through the core of Toronto from Scarborough to Mississauga” --- using a variety of advocacy tools including bike rides in 2006 and in the spring and summer of 2007, as well as film nights and on-street demonstrations including rolling out a mock bike lane on Bloor St. (See photo below.)

The group’s push for bike lanes on Bloor was to be a “living legacy” for the late Tooker Gomberg, a long time social justice activist, cycling advocate, former councillor in Edmonton, and mayoral candidate in Toronto.

The group’s slogan was: *“Imagine bike lanes along Bloor/Danforth”*

¹⁰⁵ Pers. Comm. with Angela Bischoff on March 5, 2015, and by email on May 29, 2015. Organizers included Hamish Wilson and Angela Bischoff.



Rolling out the mock bike lane on Bloor St. by Take the Tooker

B. Bikes on Bloor

The group Bikes on Bloor was formed as an initiative from an annual youth summit in 2006 on sustainable transportation hosted by the Canadian Urban Transit Association.¹⁰⁶ At the end of the 2006 summit, a group of five Toronto youth delegates (including Kristen Courtney, Car Martin, and Erica Duque) decided to focus on the lack of bike lanes on Bloor St. and formed Bikes on Bloor.

¹⁰⁶ Email communication with Kristen Courtney on March 10, 2015.

The group's main purpose was to lay the empirical/evidentiary foundation for bike lanes on Bloor. They developed and implemented a survey and did a bike count at five different points along Bloor (during both the morning and the afternoon commute), interviewed Bloor Street cyclists about where they were coming from and where they were going, and inquired about how cyclists felt about the safety of their route and about bike lanes on Bloor. The findings garnered media attention. Courtney was then injured in a serious dooring incident and re-directed her advocacy efforts to the founding of Bells on Bloor (see below).

C. Urban Repair Squad

This underground group is best known for surreptitiously painting bike lanes on Bloor St. thereby demonstrating that such a project is actually quite easy – although not easy for City Hall. The group's motto is: "They say city is broke. We fix. No charge." The group, which has branches in other cities, maintains a website.¹⁰⁷



Bloor St. W. (Photo: Urban Repair Squad)

¹⁰⁷ Urban Repair Squad; online at: <http://urbanrepairs.blogspot.ca/>

D. Bells on Bloor

Bells on Bloor was formed in August of 2007¹⁰⁸ generally following the model of the Take the Tooker rides, and included the participation of Bikes on Bloor and Take the Tooker.



The objective of the group was to organize large, fun rides that gained media¹⁰⁹ and public attention to the need for improved cycling infrastructure on Bloor St. (and across the City).

The first ride in September 2007 drew about 500 cyclists; the 2008 ride over drew 1000 people, while the third ride in 2009 drew 2000 cyclists, according to the Toronto Police. Additional rides were held annually drawing 400 to 1000 cyclists up to and including 2013.

In 2012, the ride was combined with a pedestrian component to make clear the overlapping interests of cyclists and pedestrians for greater road safety. The ride was dubbed "Cycle and Sole". The 2012 ride was the first to include other cycling groups such as Bells on Danforth and Bells on Yonge. This model was followed in 2013.

All of the Bells on Bloor rides between 2007 and 2013 began at High Park (with invited speakers), followed Bloor St. to Avenue Rd., and ended at Queen's Park for speeches and rallies.

Cyclists were usually asked to follow up with a specific advocacy action after the ride, such as contacting their councillors or attending a PWIC meeting where a cycling initiative was to be discussed. All of the rides, except 2008, included a friendly collaboration with Toronto Police, as well as St. John's Ambulance. Each Bells on Bloor event included from 10-20 volunteer marshals to guide cyclists.

¹⁰⁸ The original group included Angela Bischoff, Kristen Courtney, Don Watterson, Hamish Wilson, Jode Roberts, and Albert Koehl.

¹⁰⁹ The rides have garnered significant media attention both before and during the event.



Bells on Bloor, 2007. Holding the banner are Anthony Humphries and Angela Bischoff.

A **2007-2008 petition** by Bells on Bloor/Take the Tooker (online and on paper) attracted about 5,000 signatures. It was first presented to City Hall in 2008 after a group ride on the anniversary of Tooker Gombert's death (March 3, 2008) and later presented to Councillor Mike Layton, who in turn presented it to council – most recently in September 2013.¹¹⁰

Summary of significant elements of each Bells on Bloor ride (2007 to 2013)

September 23, 2007¹¹¹: Ride from High Park to Queen's Park, as in subsequent years. "Bell ringers" stationed along the route. As in subsequent years free bells, courtesy of Curbside Bikes or Sweet Pete's, were distributed to cyclists. Speakers at High Park included Adrian Heaps

¹¹⁰ NOW: "Bloor St. bike lanes poised for a comeback?"; Ben Spurr, June 19, 2013; online at: <https://nowtoronto.com/news/bloor-st-bike-lanes-poised-for-a-comeback/> and pers. comm. with Angela Bischoff on May 29, 2015.

¹¹¹ The date chosen for the ride was loosely coincided with car-free day. The Bike Joint and Bike Pirates also helped in one or more years in providing prizes or services. The main advertising tool was flyers attached to bicycles. During some of the eight years of the rides, a pancake fundraiser was held a few weeks prior to the event to help defray costs. Prizes for best drawing of bike lanes on Bloor. Follow up letter to councillors. Deputations by Koehl, Jacqueline Wilson, K. Courtney, and Don Watterson to City Hall PWIC on October 3, 2007.

(cycling committee chair for Toronto) and Dan King (Green Party), as well as Bells on Bloor organizers.

May 25, 2008¹¹²: “One thousand Bells on Bloor”

“Bike Lanes on Bloor: Good for you, Good for Toronto, Good for the environment.”

May 31, 2009¹¹³: “A pedal-powered parade from High Park to Queen’s Park.” Participants at the ride were encouraged to attend the PWIC meeting of June 3, 2009 at which the “bikeway” proposal studied in the 2007 feasibility study was to be debated.

May 29, 2010¹¹⁴: “Bells on Bloor – the Musical” – collaboration with Clay & Paper street theatre group. Photo contest with prizes for best photo of the ride. Various musical groups also stationed along the route, including Wayne Scott, the Lemon Bucket Orchestra, Toronto Bicycle Music Festival, and the Complete Streets Band.

¹¹² First year for bright orange Bells on Bloor t-shirts. Organizers included Jode Roberts, Kristen Courtney, Elizabeth Marchand, Hamish Wilson, Angela Bischoff, and Albert Koehl. Media coverage in Toronto Star, NOW, and local media. Bikemobile used each year prior to event for advertising – stationed at key locations.

¹¹³ Organizers included John Cordingley, Jode Roberts, Robin, Hamish Wilson, Angela Bischoff, Albert Koehl, and Elizabeth Marchand. See Toronto Star, June 1, 2009. NOW magazine, June 4-10, 2009

¹¹⁴ Organizers included Jode Roberts, Cassie Barker, Ray Chau, Kristen Courtney, Hamish Wilson, Angela Bischoff, Elizabeth Marchand, and Albert Koehl.



June 18, 2011¹¹⁵: Ride extended eastward to Bay St. and ended behind Queen’s Park for final speeches.

June 2, 2012¹¹⁶: “Cycle and Sole” -- “Community Rally for Safer Ontario Roads”.¹¹⁷ For first time the ride included a collaboration with groups from the east and north, namely Bells on Danforth

¹¹⁵ The organizers included Peter Low, Hamish Wilson, Angela Bischoff, and Bob Shenton. For photos of the event see: <https://jnyyz.wordpress.com/2011/06/18/bells-on-bloor/> Sweet Pete’s handed out free bells. On September 17, 2011, the Walk & Roll Caravan conducted a separate active transport event of 3km length, beginning at Dufferin Grove, to underline the fact that the average car is used for 2000 trips each year that are 3km or less. In subsequent years the Walk & Roll Caravan participated in Bells on Bloor rides.

¹¹⁶ Queen’s Park rally speakers included Marie Smith (United Senior Citizens), Eleanor McMahon (Share the Road), Jared Kolb (Toronto Cyclists Union), Abigail Humphreys (young person), MPP Jonah Schein, as well as a rep from each of the Bells on Bloor and Bells on Danforth groups. Pedestrian groups included the Walk & Roll Caravan. Speakers at High Park included Councillor Mike Layton, Abigail Humphreys, Hamish Wilson, Bob Shenton (safety) and Angela Bischoff (advocacy). See the flyer online at: <https://drive.google.com/file/d/0B6flhtyqSSiyOXpmclZ4SE9kNEIxS3BSaEdKbWRHSFVIQmVz/view?usp=sharing> Images of the ride, online at:

and Bells on Yonge. Smallest of rides to date (400 cyclists in Bells on Bloor) plus cyclists from Bells on Yonge and Bells on Danforth, as well as walking group, Walk & Roll Caravan, but significant media attention.



<https://www.google.ca/search?q=bells+on+bloor+2012&tbm=isch&tbo=u&source=univ&sa=X&ei=c1H7VKeROsGMyASRo4C4BA&ved=0CDUQsAQ&biw=1064&bih=689>

¹¹⁷ Cycle and Sole et al., "Cyclists and Pedestrians rally at Queen's Park for safer roads, May 30, 2012; online on google docs at: <https://drive.google.com/file/d/0B6flhtyqSSiyNIJyc29qX1BIUGs/view?usp=sharing>

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**DRAFT June 4, 2015: Final version on installation of bike lanes.
Feedback welcome: bells-on-bloor@gmail.com**

May 11, 2013¹¹⁸: “A pedal-powered parade for bike lanes on Bloor”¹¹⁹ including cyclists from Bells on Yonge, Bells on Danforth, Cycle Toronto, and Walk Toronto. Flower-making contest. Mother’s Day event. Musicians along the route included Toronto Bicycle Music Festival, Lemon Bucket Orchestra, Justin, and Complete Streets Band.



2013 Bells on Bloor ride near Dufferin St.

(Photo: Martin Reis)

¹¹⁸ Organizers included Albert Koehl, Peter Low, Michael Black, Anthony Davison, Chris Caputo, Angela Bischoff, Liz Sutherland, and Antony Hilliard. Speakers at High Park included Kristyn Wong-Tam, Adelaide Humphreys, and Bob Shenton (logistics).

¹¹⁹ Bells on Bloor et al., Media release: “Cyclists and Pedestrians Unite to Celebrate Mother’s Day -- and Call for Safer Roads”, May 8, 2013; online on google docs at:

<https://drive.google.com/file/d/0B6flhtyqSSiybmpuMUxaWnJBQzg/view?usp=sharing>

E. Bells on Danforth

Bells on Danforth was formed in 2012 following a similar model to Bells on Bloor but focusing its advocacy work on Danforth Ave. bike lanes. The 2012, 2013, and 2014¹²⁰ rides began at East Lynn Park and have attracted from 75 (2012) to 300 (2014) riders. The 2015 ride is slated to begin near Castle Frank Subway Station and move eastward across the Danforth.

¹²⁰ You Tube: “Bells on Danforth – Cycling Queen & Yonge”; online at:
<https://www.youtube.com/watch?v=hDnMy1PdEik>



Bells on Danforth ride at East Lynn Park in May 2013.

Bells on Danforth

A family-friendly parade for bike lanes on Danforth!

saturday may 11, 2013

11:00 a.m.



Meet at
The Crossroads of the Danforth
(northeast corner by Swiss Chalet)

We will join the main Ride at East Lynn
Park, then ride en masse
along Danforth and Bloor
to Queen's Park

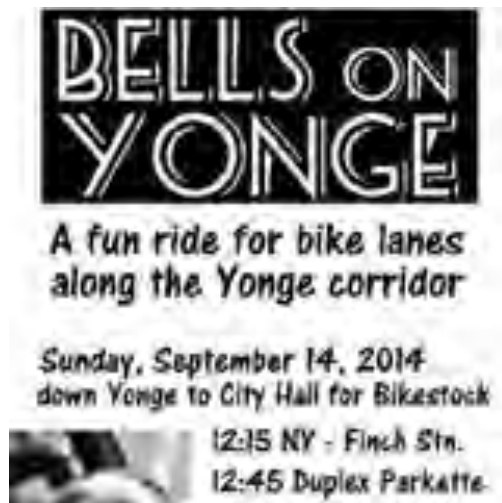


to35cycles.blogspot.ca/p/bells-on-danforth.html

Bells on Danforth poster for 2013.

F. Bells on Yonge

Bells on Yonge was formed in 2012 and drew up about 50 cyclists for each of its rides.¹²¹ Although not specifically advocating for bike lanes on Bloor-Danforth, the group added support for better cycling infrastructure on Bloor-Danforth and across Toronto, and were an integral part of the BIKESTOCK organizing team.



Bells on Yonge advertisement in 2014.



Bells on Yonge ride moving south on Yonge Street

¹²¹ The principle organizers included Michael Black and Ken Brown. The riders were accompanied by a police escort for each of their events down Yonge St. to the rally point with the other Bells groups.

G. BIKESTOCK

September 14, 2014¹²²: “BIKESTOCK is a big idea. BIKESTOCK is a big party. BIKESTOCK is a first stop to solving a big problem.”



BIKESTOCK at City Hall on September 14, 2014 was Toronto’s biggest-ever cycling advocacy rally

¹²² The BIKESTOCK organizing committee included Chris Caputo, Ken Brown, Stephanie Martin, Albert Koehl, Louise Villanueva, Val Dodge, Liz Sutherland, Peter Low, Charlie Hatt, Angela Bischoff, Jun Nogami, and Bob Shenton. BIKESTOCK t-shirts were created for the event. Speakers at the opening of Bells on Bloor at High Park included MP Peggy Nash. The gathering at High Park began at 12:30.

BIKESTOCK was a collaboration between Bells on Bloor, Bells on Yonge, and Bells on Danforth and included the participation of the Toronto Bicycle Music Festival, and Cycle Toronto, including Cycle Toronto ward groups. The rally at City Hall drew over 1,500 cyclists making it the city's biggest-ever cycling advocacy event.¹²³¹²⁴

The musical portion of the City Hall event included popular Toronto artists Evalyn Parry, Counter Measure, and Rambunctious. Each of the Bells groups followed their traditional routes in arriving at City Hall.



Some of BIKESTOCK organizers on stage at City Hall: L to R: Bob Shenton, Louise Villanueva, Chris Caputo, Charlie Hatt, and Stephanie Martin. Val Dodge and Tom Flaherty with Bells on Danforth banner.
Photo: Jenna Campbell, dandyhorse magazine

¹²³ You Tube: BIKESTOCK 2014 Rally; online at: <https://www.youtube.com/watch?v=ltL0PyH5K8M>

¹²⁴ Dandyhorse: "BIKESTOCK Toronto: Sept 14 in photos", September 15, 2014; online at: <http://dandyhorsemagazine.com/blog/2014/09/15/bikestock-toronto-sept-14-in-photos/>



Rambunctious, featuring lead singer Michael Lewis Johnson, closed the rally. The band included a lively improvised song about bike lanes on Yonge.¹²⁵ Photo: Jenna Campbell, dandyhorse magazine



H. Cycle Toronto

Cycle Toronto was established in 2007 (as the Toronto Cyclists' Union) to be the voice of cyclists in Toronto.

In 2014 Cycle Toronto made the installation of bike lanes on Bloor a central campaign for its advocacy work.

In addition to its support of the Bells on Bloor rides from their inception, Cycle Toronto has undertaken various other initiatives to promote bike lanes on Bloor. In 2012-2013 Cycle

¹²⁵ It's a shame no one recorded it.

Toronto organized a petition for a pilot bike lane on Bloor Street, as well as a re-initiation of the environmental assessment (on the premise, promoted by City Hall, that an EA was required). The petition attracted over 2000 signatures in a short period of time.

Cycle Toronto's ward groups along Bloor St. have also been active in promoting bike lanes and cycling safety on Bloor St¹²⁶:

Ward 14 (Railpath to Keele/Parkside)

According to Councillor Gord Perks an avenue study has been done on the Ward 14 stretch of Bloor. It was determined to be wide enough to accommodate bike lanes *and* maintain existing parking.

Ward 13 (Keele/Parkside to Humber River)

Councillor Sarah Doucette is apparently in favour of having the Bloor bike lanes extended a short distance west from Keele to Colborne Lodge/High Park Avenue although she has not committed to a further westward extension.

Wards 19 and 20 (Trinity-Spadina)

Councillors Mike Layton and Joe Cressy are in favour of the pilot project for Bloor St. They are the only councillors who have been willing to speak out in favour of bike lanes on Bloor St., while others have so far spoken out only in favour of more studies.

I. Safe Cycling Coalition

The Safe Cycling Coalition was formed in 2008 for the purpose of intervening in the court case *William Ashley China Limited v. City of Toronto* -- litigation provoked by the Bloor Street Transformation Project.¹²⁷ The group was comprised of long-time Toronto cycling activists Martin Reis, Hamish Wilson, Angela Bischoff, and Margaret Hastings-James represented by lawyer Albert Koehl. The intervention was likely the first time in Ontario that a cycling group obtained intervener status in a court case.

The group argued that the failure by the City of Toronto to correctly classify the project and then conduct a proper EA violated the provincial *Environmental Assessment Act*. (To be precise, the City claimed to have classified the project under schedule A/A+ of the Municipal Class EA, which meant no provision of the MCEA applied with the exception of the duty to notify the public prior to project implementation.)

¹²⁶ The source of the ward information is Robert Zaichkowski, Cycle Toronto, email comm. on March 5, 2015.

¹²⁷ *William Ashley China Limited v. City of Toronto*

The Court ruled in favour of the City although the City later agreed to improve its procedures on EA classification and notification.

8. Residents' Associations and Business Improvement Areas (BIAs)

Residents' Associations

In 2011, the Annex Residents Association (ARA) adopted an official Cycling Policy, which called for bike lanes on Bloor as well as contra-flow lanes, lower speed limits, separated bike lanes and other measures.¹²⁸ As part of this initiative a community consultation was held on October 2, 2012 at which bike lanes on Bloor received overwhelming support.¹²⁹

This consultation was followed by several communications with the local councillor, including meetings and letters.¹³⁰ The outcome of the public consultation was communicated. At a meeting, Vaughan suggested that an ongoing traffic study could be expanded from the existing one (Bathurst to Spadina) to a longer one encompassing Bathurst to Avenue Rd. to consider the feasibility of a bike lane.

In May 13, 2013, the ARA wrote to Councillor Vaughan urging him to move forward with a bike lane on Bloor in the Annex (Bathurst to Avenue Rd.).¹³¹ By this point, Vaughan's office had advised the ARA that the broader traffic study would not be undertaken by the City, apparently given its complexity.

Around the same time, on May 30, 2013, Councillor Vaughan, with help from other Bloor councillors, was focusing on a revival of the EA for Bloor bike lanes¹³², albeit without any encouragement from Bells on Bloor or the residents (indeed these groups were not aware that this initiative was being pursued). Relative to the proposed bike lane, which would entail a real on-the-road enhancement for the safety of cyclists, the EA was simply yet another study among a long list.

¹²⁸ Annex Residents Association Adopted Cycling Policy, January 13, 2011; online at: <http://www.theara.org/Resources/Documents/ARA%20Bike%20Policy.pdf>

¹²⁹ October 2, 2012 at the JCC (Bloor and Spadina, Toronto)

¹³⁰ There were at least three meetings with Councillor Vaughan in 2013 and 2014, and subsequently with the new Councillor Joe Cressy in 2015.

¹³¹ Annex Residents Assoc. to Councillor Vaughan, May 2013; online on google docs at: <https://drive.google.com/file/d/0B6flhtyqSSiyS29QMIBBWnpZX2M/view?usp=sharing>

¹³² Letter from Vaughan and other councillors to PWIC re EA revival, May 30, 2013; online at: <https://drive.google.com/file/d/0B6flhtyqSSiyUFI0dXRldDRHdjA/view?usp=sharing>

The ARA began calling for a *pilot* bike lane on Bloor St. between Avenue Rd. and Bathurst. The ARA organized five neighbouring residents' associations in its call for a pilot on Bloor. A letter sent to Councillor Vaughan on January 14, 2014 noted¹³³:

We hope you will agree that after 20 years of popular debate about Bloor bike lanes, a simple east-west pilot project between Bathurst and Avenue Rd. is a modest initiative that even ardent cycling opponents would be hard-pressed to question. (emphasis in original)

Vaughan wrote back to the residents saying that the bike lane pilot could proceed, *if space allowed*, subject to the priority for the on-street patio box proposal.^{134 135} Another meeting was organized with the councillor to move the pilot forward, there was minimal support from his office for the initiative.

The new councillor as of December 1, 2014 is Joe Cressy. He is supportive of a pilot bike lane that is planned for 2016. Prior to implementation the pilot must obtain approval from the public works committee and City Council.

Business Improvement Areas (BIAs)

Although BIAs are a creation of the city, some groups operate under the illusion that they are private business entities, as opposed to organizations established under by-laws. The councillor for a given area is a member of the BIA by virtue of his or her office.

In 2013, the Bloor-Annex BIA under the leadership of Wade McCallum was strongly in favour of bike lanes on Bloor, even with the loss of parking. In fact, Mr. McCallum is featured prominently in a five-minute Bells on Bloor video produced that year.¹³⁶ His successor, Brian Burchell is a cyclist, but under his direction the BIA has not taken any position on bike lanes.¹³⁷

¹³³ Annex Residents Assoc. letter to Adam Vaughan, January 1, 2014; online on google docs at: <https://drive.google.com/a/koehl.ca/file/d/0B6flhtyqSSiyYjFXTG5EzDQtV2RPbTg1cDlyWTN6aWVNellr/view?usp=sharing>

¹³⁴ Adam Vaughan letter to Annex Residents Assoc., February 20, 2014; online on google docs at: <https://drive.google.com/file/d/0B6flhtyqSSiyR1JINDVDeXZPRmc/view?usp=sharing>

¹³⁵ There had been virtually no public consultation on the patio box proposal, the origin of which remains unknown. See also Section 6D (above) for a description of the Annex BIA/Councillor Vaughan initiative to study the removal of one lane of parking in order to install patio boxes.

¹³⁶ Video: The Bloor Street Bike Lane Project; online at: <http://www.tcat.ca/general-news/2129/>

¹³⁷ The BIA (2014-2015) says the position stated by Mr. McCallum in the video does not accurately reflect the current position of the BIA.

After a presentation by the ARA to the BIA in 2013 about the proposed pilot bike lane, the BIA was not willing to take any position despite the safety concerns of their shoppers who arrive on bicycles.

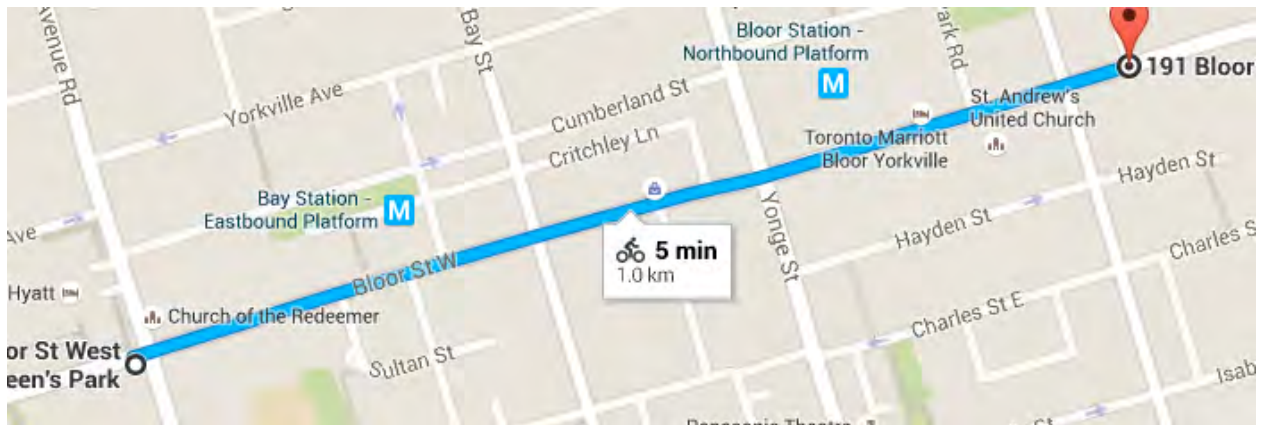
Since the councillor or his/her representative are official members of the local BIA and routinely attend such meetings, councillors are arguably more likely to be influenced by a BIA than a local residents' association. The fact that merchants along Bloor-Danforth are far more likely to drive to their shops than are their customers may account for a bias in favour of motorists despite the safety implications to cyclists who bring similar amounts of business. (The irony about The Danforth, for example, is that the curb lane along much of street is wide enough to accommodate a parking lane and a cycling lane.)

9. Legal challenges

a. Bloor St. Transformation Project

- *Request for investigation filed with Environmental Commissioner of Ontario*

The Bloor St. Transformation Project involved a major change to Bloor St. in Yorkville (between Avenue Rd. and St. Paul's Square (just east of Church St.)), including many greening initiatives such as wider sidewalks, the elimination of on-street parking, and the addition of flowers and trees. The project, however, made no provision for bike lanes despite direction in both the *Growth Plan for the Greater Golden Horseshoe* and the *Provincial Policy Statement, 2005* to provide for the safety needs of cyclists.



Area of the Bloor Street Transformation Project, the so-called Mink Mile (actually about 1km)

The \$25 million project was subject to the requirements of the *Municipal Class Environmental Assessment*. The question was whether it had been properly classified – a significant matter given the different obligations on the City emanating from that classification. (Essentially, the City said no EA was required.)

In August 2008, a formal petition filed with the Environmental Commissioner of Ontario --- and directed at the Ministry of Environment --- on behalf of Take the Tooker (Angela Bischoff) and Bells on Bloor/Bike Lanes on Bloor (Kristen Courtney), alleged that the City had violated the Ontario *Environmental Assessment Act* by misclassifying the project under the least onerous schedule of the MCEA, namely Schedule A, and subsequently A+. ¹³⁸ These schedules' most onerous requirement is that the public be notified prior to project implementation. Schedules B and C are far more onerous and require public engagement.

The allegation was that Schedule A/A+ was incorrect given the significance of the changes to the roadway.

On October 21, 2008, the Ministry of Environment denied the Request for Investigation. ¹³⁹ The denial of requests under the *Environmental Bill of Rights* are unfortunately rather common, often based on boiler plate-type reasons. Advocates often use the process in conjunction with a media strategy and in anticipation of garnering comment in the Environmental Commissioner's Annual Report.

The ECO did comment on the denial of the Request for Investigation in his 2009 annual report. The ECO was critical of the Ministry's handling of the file and recommended that the MCEA be updated to promote cycling. ¹⁴⁰ The ECO noted:

While we believe that MOE's decision not to investigate was reasonable, the ECO is troubled by some of the implications of the application and the MCEA process followed by the City of Toronto.

For more than a decade, the ECO has raised concerns about consultation processes used for projects approved under Class EAs. In our 2007/2008 Annual Report, we noted public complaints about problems and deficiencies with proponent consultation processes, and MOE's apparent lack of interest in promoting fairness and adherence to Class EA requirements outlined in approval documents such as the MCEA.

¹³⁸ Request for Investigation, July 23, 2008; google docs online at:

<https://drive.google.com/file/d/0B6flhtyqSSiyUjdCZW4zX0luemFyQ1pOdjRsSElyTjU2OXZ3/view?usp=sharing>

¹³⁹ Ministry of Environment: Decision Summary, 2009, EBRO File No. 08EBR006.I; online at:

<http://www.eco.on.ca/uploads/Ministry%20Application%20Decisions/2009/I2008008.pdf>

¹⁴⁰ Environmental Commissioner of Ontario. 2009. "No Bike Lanes on Bloor: The Bloor Street Transformation Project." *Building Resilience, ECO Annual Report, 2008-09*. Toronto, ON, pp 35-37. online at:

<http://www.eco.on.ca/uploads/Ministry%20Application%20Decisions/2009/I2008008.pdf>

This application also illustrates how difficult it can be for the public to gain access to (or even learn about the existence of EA approval documents. The ECO is disappointed that MOE was slow to provide documents requested by the applicants, forcing them to make requests under the *Freedom of Information and Protection of Privacy Act*. **The ECO is also concerned that MOE provided the public with incorrect information about the MCEA and the EAA on a number of occasions and that MOE staff were confused as to the proponent of the project, the legal status of the BSIA and its relationship to the city.** (Emphasis added)

The ECO also recommended that the Ministry of Environment consider ordering: “The Municipal Engineers Association to amend the Municipal Class Environmental Assessment to explicitly promote cycling and walking as modes of transport.”¹⁴¹

The other option for the petitioners would have been to commence a private prosecution against the city for its alleged violation of the MCEA. The disadvantage of such an approach is that the province can intervene to withdraw or stay the private prosecution.

➤ *William Ashley China Ltd. v. City of Toronto*¹⁴²

The allegation denied by the Ministry of Environment under the EBR process was then taken up in the civil courts by way of an Application for Judicial Review against the City. The suit by William Ashley China Ltd. alleged that the City of Toronto failed to comply with the requirements of the MCEA by classifying the project under Schedule A/A+. Indeed the only evidence in court about the classification was an email between city staff in which the senior official said that there were no EA requirements.

A group called the Safe Cycling Coalition was granted intervener status by the Divisional Court of the Superior Court of Justice.¹⁴³ The intervention by a *cycling group* was likely the first of its kind in a legal action.

¹⁴¹ *Ibid.*

¹⁴² *William Ashley China Ltd. v. City of Toronto*, 2008; online at: <https://www.canlii.org/en/on/onscdc/doc/2008/2008canlii56705/2008canlii56705.html>

¹⁴³ The group included four long-time Toronto cycling advocates: Angela Bischoff, Martin Reis, Hamish Wilson, and Margaret Jennings-Hastings. The group was represented by Albert Koehl.



Safe Cycling Coalition L to R: Albert Koehl, Martin Reis, Margaret Hastings-Jennings, Angela Bischoff, and Hamish Wilson at Superior Court of Justice, Toronto in October 2008

The Superior Court – Divisional Court denied the Application. This too was not particularly surprising given that courts generally defer to a decision-maker operating within its expertise. The court decided it was reasonable for the City to classify the matter as it did. Ironically, although the City took the position that no EA was required in this case¹⁴⁴, it later suggested that an EA was indeed required for a bike lane on Bloor St.

One year after the court decision cyclist Darcy Allan Sheppard was killed on this very stretch of Bloor St., just east of Avenue Rd. Dangerous driving charges against the driver, Ontario’s former

¹⁴⁴ The language can be confusing. The City agreed that an EA was required but only under Schedule A to the MCEA, which means that the project is “pre-approved”. In practice this is often considered as meaning that no EA is required.

Attorney General, were controversially withdrawn. The matter continues to be the subject of public debate.¹⁴⁵



*Darcy Allan Sheppard memorial on Bloor St. (Sept 2009)*¹⁴⁶

In follow up to the Court decision the City assured the Safe Cycling Coalition that it would update its decisions on classification under the MCEA in order to make such decisions more formal and transparent.

b. Wayne Scott v. The City of Toronto (appeal to the Ontario Labour Relations Board)

The case of *Wayne Scott v. The City of Toronto*¹⁴⁷ did not focus specifically on Bloor-Danforth bike lanes but on cycling safety generally across the City. The action sought to force the City to

¹⁴⁵ A documentary is currently being prepared; online at <https://youtu.be/G8b5efrtVvE> See also: Toronto Star: "Lost Boy: The Death of Darcy Allan Sheppard", December 26, 2013; online at: http://www.thestar.com/news/insight/2013/12/26/lost_boy_the_death_of_darcy_allan_sheppard.html

¹⁴⁶ See also: Photos by Derek Flack:

http://www.blogto.com/city/2009/09/darcy_allan_sheppard_memorial_and_protest_ride_in_photos/

¹⁴⁷ Wayne Scott was represented by Lawyer Albert Koehl and the University of Toronto Law School Environmental Club (President Jacqueline Wilson).

improve the road safety conditions of workers (and therefore all cyclists) who ride their bikes as part of their jobs.¹⁴⁸

The allegation against the City under s. 25 of Ontario's *Occupational Health and Safety Act* by former City Cycling Ambassador Wayne Scott was that the City was failing to provide a safe work place for individuals who are required to ride their bikes on Toronto roads for their job. The matter was ultimately dismissed on the grounds that Scott was not an "aggrieved person" under the Act given that he no longer worked for the City.¹⁴⁹ There were good reasons to appeal the OLRB's decision, however, a prospective appellant risks having costs awarded against him in the case of a loss in court, and therefore no appeal was pursued.

10. A pilot bike lane project for Bloor-Danforth in 2016?

Since 2013, Bells on Bloor, Cycle Toronto and The Annex Residents Association have been promoting a pilot bike lane on Bloor St.

What's new

In view of the longstanding inaction on cycling safety for Bloor-Danforth, there are various reasons why a pilot on Bloor St. will actually be installed in 2016:

- a. Strong public support along particular stretches of Bloor, especially in the Annex;
- b. For the first time, two councillors on Bloor St. (Mike Layton and new councillor Joe Cressy, Wards 19 and 20 respectively) are willing to speak publicly in favour of bike lanes on Bloor, including the pilot;
- c. The increasing acceptance by business owners of the value of bike lanes; and
- d. The new cycling manager at City Hall is willing to work with cycling groups and advocates to see a pilot implemented.

Why a pilot makes sense

There are obvious advantages to proceeding by way of a pilot, instead of a permanent, bike lane:

¹⁴⁸ Toronto Star: "Toronto streets a job hazard, says ex-courier"; Tess Kalinowski, November 24, 2009; online at: http://www.thestar.com/news/city_hall/2009/11/24/toronto_streets_a_job_hazard_excourier_says.html

¹⁴⁹ Media Release, "Toronto's streets are an unsafe workplace for cyclists: Legal challenge launched to Ontario Labour Relations Board", October 24, 2009; online at: <https://drive.google.com/file/d/0B6flhtyqSSiyTWZCVIFNN3FjbnM/view?usp=sharing>

- a. A timid City Hall is more likely to do a pilot study than to expend the political capital necessary for a bolder strategy;
- b. It is an excellent learning tool that allows for adjustment and to demonstrate cycling advantages; and
- c. No environmental assessment is needed for a pilot study (nor for a bike lane, but see EA section above).



Illustration of proposed bike lane on Bloor St.

Image: Cycle Toronto

In February 2015, a Transportation Services briefing note to the City's budget committee suggested a pilot project could be implemented on Bloor St. in 2016.¹⁵⁰ A pilot does, however, require public works committee and Council approval.

Bells on Bloor began pushing for a pilot project in 2013 and had several meetings with Ward 20 Councillor Adam Vaughan on the topic. A five-minute video produced by Bells on Bloor in the same year also touted the merits of a pilot project.¹⁵¹

Bells on Bloor pilot location

Bells on Bloor proposed its ideal Bloor pilot as stretching east-west from Sherbourne to Shaw St. for the following reasons:

- a. Link to five existing north-south cycling lanes on Shaw, Montrose, Grace/Clinton, St. George, and Sherbourne in a 25-block area. The sharrows in Yorkville could be part of the pilot leaving only a gap between the end of the sharrows and Sherbourne that would be filled by the pilot bike lane;
- b. There is strong public support for bike lanes among cyclists and neighbouring residents;
- c. Toronto Public Health has identified bike lanes as the number one active transport priority of residents in the Annex (Avenue Rd. to Bathurst St.);
- d. TCAT studies have shown that the most spending per month at businesses in the Annex comes from pedestrians and cyclists;
- e. The Annex Residents Association has a Cycling Policy that includes a call for bike lanes on Bloor St.; and
- f. Councillors for the area --- Cressy, Layton, and Wong-Tam --- are all officially pro-cycling.

A pilot project is also a form of public consultation, and arguably far more effective than asking people to consider and debate a paper proposal.¹⁵² Consultation is a proper pre-requisite for city projects (although one suspects it is often applied far more rigourously for projects the city is not keen to implement). As well, although the community is properly consulted on design issues, it is fair to ask whether the general public needs to be consulted on the right of cyclists to be safe on our roads. It has certainly been a long time since the community was consulted on whether the sharing of Bloor and Danforth, as between various modes of transport, is fair.

In any case, in addition to the almost 40 years during which bike lanes on Bloor has been studied and debated (and almost 25 years for Bloor-Danforth), the following is a list of various

¹⁵⁰ Transportation Services: 2015 Capital Budget Briefing Note, February 20, 2015; online at: <http://www.toronto.ca/legdocs/mmis/2015/bu/bgrd/backgroundfile-76740.pdf>

¹⁵¹ Bells on Bloor: "Bike Lane Project" (Updated), 2013; online at: www.bellsonbloor.org under "Recent Events".

¹⁵² Community consultation is an appropriate pre-requisite for a bike lane, and to a lesser. On the other hand, consultation often appears to be used as a hurdle for projects that City Hall is not eager to implement.

types of consultation with the community respecting bike lanes on Bloor in the Annex-Christie Pits area;

- a. A widely publicized ARA/Cycle Toronto public meeting at the JCC on October 2, 2012 with upwards of 70 attendees (expressing overwhelming support for bike lanes on Bloor);
- b. A public consultation by Toronto Public Health in 2013-2014 in the Annex, which identified bike lanes on Bloor as the top active transport priority of residents;
- c. Significant media coverage of bike lanes on Bloor over at least the past decade;
- d. A Bells on Bloor letter to Bloor Councillors on October 7, 2013 to ask for a pilot on Bloor St. (instead of pursuing the supposedly necessary EA for a Bloor bike lane)¹⁵³;
- e. ARA presentation to PWIC at its October 21, 2013 meeting about the importance of a pilot project on Bloor (instead of the EA);
- f. The discussion at both the 2014 Annex BIA AGM and the 2014 and 2015 ARA AGM of bike lanes on Bloor, including discussion of the pilot at the ARA AGM;
- g. A meeting between City Hall officials and the ARA in May 2014 to discuss a pilot (where the then Cycling Manager, Dan Egan, advised that there were no resources for a pilot. He did however advise that he would set out the pre-requisites for a 2015 pilot); and
- h. A January 14, 2014 letter from six residents associations to Councillor Vaughan (copied to other councillors) calling for a pilot bike lane on Bloor;
- i. Bells on Bloor parades over the last eight years, which show support and entail a form of public discourse. The rides have drawn up to 2000 residents, including a huge cycling rally on September 14, 2014;
- j. A Cycle Toronto petition in September 2014 with almost 2000 signatures calling for a pilot.

The University of Toronto's secondary plan also mentions the importance of cycling infrastructure in the area of the university, although bike lanes on Bloor are not explicitly mentioned.¹⁵⁴

¹⁵³ Bells on Bloor letter to Councillors Vaughan, Perks, Wong Tam, Bailao, and Layton, and Doucette, October 1, 2013; online on google docs at:

<https://drive.google.com/file/d/0B6flhtyqSSiyLW9SN0tXY09nWVI6TkIxbXFsS05NZG9RREFJ/view?usp=sharing>

¹⁵⁴ The plan states: "Adequate bicycle routes and secure bicycle parking spaces will be distributed throughout the University of Toronto Area." Online at:

http://www1.toronto.ca/static_files/CityPlanning/PDF/20_university_toronto_dec2010.pdf

Harbord is not an answer for a Bloor St. bike lane

It is sometimes suggested that Harbord St. is an appropriate substitute for a bike lane on Bloor St.¹⁵⁵ The argument is easily refuted:

- a. The Annex section of Bloor does not just function as a commuter route -- it is a major **destination** for cyclists (to a far greater extent than Harbord);
- b. Many cyclists do not make a rigid distinction between commuting and destination. Because one can carry fewer goods on a bike than in a car, cyclists are in the habit of making stops during their rides to pick up a few groceries, a book, etc. Bloor is much better for such a hybrid trip than other east-west bike routes like Harbord, Davenport or Richmond-Adelaide.
- c. Cycling traffic counts on Harbord St. are the second highest in the city. At rush hour, this route is congested with cyclists and the addition of bike lanes on Bloor St. would relieve congestion on Harbord. The Annex Residents Association, for example, specifically called for the development of a city-wide bike network to better distribute cyclists across the road network¹⁵⁶;
- d. Dutch studies show that the ideal separation of lanes in a bike network is about 500m -- Harbord and Bloor streets are about 400m apart;
- e. Cyclists north of Bloor whose destination is further east or west on Bloor are not likely to cycle all the way to Harbord and travel back to Bloor, which would add more time, distance, and danger to a trip. For example, a cyclist who lives on Bathurst, north of Bloor who is cycling to Bloor and Yonge is unlikely to cycle to Harbord, go east to Queen's Park, travel south to Wellesley then cycle north on Yonge (which has no bike lanes) to get to Yonge and Bloor. (A similar question for cars would be "why allow cars on Harbord, when they can use Bloor St?");
- f. Despite the bike lane on Harbord, there are still large numbers of cyclists on Bloor, presumably because that is where they want or need to travel;
- g. The site at Honest Ed's is being redeveloped with a significant residential component (1000+ rental units). The developers are focusing on sustainable transport, while the likely demographic will include many young people who rely on walking, cycling and transit. These residents are likely to cycle or walk along Bloor; and
- h. Both municipal and provincial policies encourage cycling and walking in every part of the city and particularly downtown. Toronto's Official Plan (2-11), for example, notes:

¹⁵⁵ Harbord Street is the northern border of the separated bike lane network adopted by Council in its 2010-2014 term. The plan was for a north-south, east-west grid of separated lanes with Sherbourne on the east, St George in the west, Harbord-Wellesley along the north, and Adelaide-Richmond along the southern border. The network came at the expense, however, of the elimination of the Jarvis lanes. As of May 2015, the Harbord-Wellesley route is in place (although not physically separated), as is the Sherbourne and Adelaide-Richmond portion, albeit the latter only in pilot form. St. George remains unchanged.

¹⁵⁶ ARA: "Cycling Policy", January 2011; online at: <http://www.theara.org/Resources/Documents/ARA%20Bike%20Policy.pdf>

Priority will be given to improving transit (TTC and GO) access to the Downtown while the **expansion of automobile commuting** and all-day parking **will be discouraged**. ... A program of street improvements will be developed to enhance the pedestrian environment and **measures undertaken to make it safer to walk and cycle in the Downtown**. (Emphasis added)

12. Conclusions to Part I

UNDER CONSTRUCTION ... but next chapters should include bike lane pilot in 2016, expansion of pilot in 2017, full installation of Bloor-Danforth bike lanes in 2018.