

Bill 212, *Reducing Gridlock, Saving You Time Act* and Various ERO and Regulatory Registry Postings

AMO'S SUBMISSION TO THE MINISTRY OF TRANSPORTATION AND MINISTRY
OF INFRASTRUCTURE

**Regulatory Registry 24-MTO018
Regulatory Registry 24-MTO020
Regulatory Registry 24-MOI007
ERO 019-9265
ERO 019-9266**

November 15, 2024

Executive Summary

AMO appreciates the opportunity to comment on the proposed Bill 212, *Reducing Gridlock, Savings You Time Act*. This submission includes comments on the proposed legislation and Environmental Registry (ERO) postings associated with the Bill.

AMO recognizes that the changes proposed under Bill 212 and the associated ERO postings are aimed at improving congestion and the quality of life for Ontarians. While we support the intent behind these changes, we think the Province should reconsider some of its approaches to achieve this – in particular the new proposed framework on bike lanes.

AMO is increasingly concerned about the cumulative impact of continued changes that encroach on municipal planning expertise with little benefit to congestion. These changes significantly impact large urban municipalities and add provincial red-tape at a time when we should be simplifying how we build the infrastructure Ontario needs for more housing, complete communities, and good transportation options. These impacts have been documented by many municipal governments, road safety groups, researchers, and environmental groups through individual submissions. AMO encourages the government to review these submissions carefully.

Finally, tackling complex issues such as congestion cannot be solved by these stand-alone policy proposals. Municipalities and the provincial government need to have a serious conversation on updating the provincial-municipal fiscal framework to support sustainability, affordability, and economic prosperity – including a focus on how we can work together to improve long-term infrastructure like transportation to lift the quality of life for Ontarians.

Bill 212, *Reducing Gridlock, Saving You Time Act*, 2024

Framework for Bike Lanes that Require Removal of a Traffic Lane (ERO 019-9266, Regulatory Registry 24-MTO018)

Based on local knowledge and community input, municipalities develop transportation plans that balance traffic flow with planning priorities like active transportation, multimodal transportation, and environmental and health protection. Bicycle lanes are an essential element of urban transportation planning and road safety. They offer a healthy mode of transportation that can remove cars off the road – combatting congestion and climate change - while also protecting the safety of both bike riders and drivers.

The proposed changes requiring provincial approval for new bike lanes that replace a motorway and requiring a municipality to submit information about existing bike lanes on municipal roads – along with forcing municipalities to remove them is a very troubling overreach into municipal planning.

AMO is not aware of any consultation with municipalities regarding bicycle lanes nor of the balanced evidence the Province considered in its decision. It is also unclear how the Ministry of Transportation will be in a better position than municipalities to make decisions about local transportation matters.

Rather than micromanaging bike lanes, the Province could better focus resources on accelerating its own approval processes for funding support for transit operations that can have much higher impacts on congestion in urban settings. The Province has already shown leadership on taking on major urban transit projects that will have significant impacts on congestion. For example, the Eglinton LRT is expected to carry approximately 5,500 passengers per hour during peak travel times and the Ontario Line which could see 28,000 fewer cars on the road each day once operational. The Province should focus on making sure these projects meet timelines so that those positive impacts are realized as quickly as possible.

Meanwhile public transit ridership is back to pre-pandemic levels or higher in most Ontario jurisdictions. However, the fiscal situation facing Ontario's transit agencies is challenging with significant capital and operating deficits, resulting in costly fare increases and service reductions. High-quality transit offers alternatives that helps take cars off the road – easing congestion – in addition to the social and housing potential it creates through transit-oriented communities.

Making investments in transit makes sense, whereas research shows that building or expanding roads creates induced demand – meaning it results in more cars using expanded roads with little to no impact on congestion. The Province could also support reducing congestion by helping ensure critical funding for transit operations and service levels across the province are well maintained – which again it already has shown some leadership in.

It is clear that this proposal will not work as intended and actually creates additional red-tape, cost, and delays to planning and implementing infrastructure. There have been recent examples of unintended consequences when the Province has tried to take over local decision-making without engagement. To the Province's credit some of these actions have been walked back or refined, such as changes to the Development Charges from Bill 23 or developing a framework for Minister Zoning Orders.

But that work comes with an opportunity cost in both resources and time. The government should be responsible for costs related to provincial approval delays when reviewing new bike lane proposals and/or the cost of bike lane removal, including staff and planning time, for their original installation. A municipal taxpayer should not have to pay twice as a result of provincial decisions. This also extends to liability. The framework should also note that if the Province makes a decision to remove a bike lane, and the Province pays for and/or performs the construction, then construction should be done according to the same standard and liability that a municipality would for the construction of its own road. If a municipality finds that it has not done this then it should be fairly compensated for correcting any mistakes the Province implemented.

Even better, to avoid repeating its mistakes of the past, the Province should repeal this section of the Bill altogether and instead focus on collaborating with municipalities on planning and building high-impact solutions to congestion that can lift Ontarians' quality of life while also supporting economic prosperity.

We also encourage you to listen to comments and evidence from experts from municipal professional associations and other related experts to help balance and inform the evidence base deciding this proposal.

***Building Highways Faster Act, 2024*
(ERO 019-9265, Regulation Registry 24-MTO020)**

While the proposed amendments are focused on named priority highways, AMO recognizes this framework could apply to future projects identified by the Province that could impact areas across Ontario depending on future highway planning.

In AMO's previous submissions on proposed changes to environmental assessments we have encouraged the Province to consider the importance of striking a balance of local support and environmental protections with the need to expedite timelines for taxpayer funded projects. We think this principle applies here as there is a similar need to successfully balance speed of highway projects with avoiding negative impacts on environmentally sensitive lands or property owner rights – as well as thoroughly exploring transportation options that can help Ontarians move around the province in a time where climate change and affordability are impacting their quality of life.

It is also crucial that the expedited project timelines do not prevent the Crown's legal obligation of the duty to consult rights-holders on projects that could affect them.

As part of implementing this framework we would suggest that the Province consider providing a clear business case for future project designations that demonstrate the context and key information on the necessity and benefit of expedited delivery to impacted municipalities – this could help with local support and transparency of future projects.

The Province will likely receive submissions from municipalities, municipal associations and other relevant parties, and we encourage the Province to consider these expert opinions to strike the right balance mentioned above, ensure clarity, and avoid unintended consequences when implementing this new framework.

Proposed Building Broadband Faster Act, 2021 Changes from the Proposed Bill 212 (Regulation Registry-24-MOI007)

Finally, AMO is supportive of changes to the *Building Broadband Fast Act* that would enable the Minister to expropriate, when necessary, an easement on private property for a designated (i.e., provincially funded) broadband project in an expedited manner to avoid delays. It responds to what rural municipalities have asked the Ministry for to help address challenges in expediting expropriation processes.

A limited number of private landowners are blocking broadband infrastructure placement, which is cutting off access to other community members. Reliable, high-speed internet is essential for modern life, and critical community infrastructure like roads and clean water.

These changes provide a new mechanism to expedite broadband expropriation provisions already established nationally by the CRTC to deliver reliable, high-speed internet access to all Ontarians faster. This new provincial tool will ultimately support the shared municipal-provincial objective of providing reliable high-speed internet access to every community in the province by the end of 2025.