

I preface my remarks with an observation that the collection of comments for consideration of the bill and regulation under consideration is compromised when the Premier states his intent to implement these changes prior to the comment period being closed. As a professional in my discipline, I would be contravening my profession's code of ethics when the practice of collecting comments is has no effect nor consideration of accommodation. As a result, any members of professional organizations (e.g. planning, engineering, etc.) in the OPS participating in this exercise are liable to censure by their professional organizations for compromising codes of ethics should complaints be filed with their respective organizations.

Regardless, I am providing my comments as a driver, pedestrian and cyclist. These include:

- 1) The apparent lack of analysis to support the proposed legislative and regulatory changes, in contrast to the necessary municipal policy and program consultation prior to implementation and delivery of projects. The lack of analysis is evident with simple premises in the proposal summary: where any given bike lane on University, Bloor and Yonge is to be removed and replaced with a lane of traffic. The drafters of this bill and regulation may not have noticed that bike lanes are markedly narrower than car/truck lanes, and the new parking lanes on University are 1.5 car/truck lanes wide. It would behoove the authors to conduct field research prior to drafting these legs and regs, particularly before drafting criteria for of bike lane projects evaluation.
- 2) To the contrary, existing provincial policy to date appears to support active transportation policy and programs (PPS 2024 2.4.2.6.b, 2.9.1.d, 3.1.4, 3.9.1.a), none of which identify concerns with bike lanes and potential non-car/truck vehicular lane impacts.
- 3) The lack of policy arising from planning, consultation and analysis exposes the Province to liability of individual and class lawsuits when injuries and deaths attributable to bike lane removal arise from baseline data acquired from years of established bike lanes. As economists are wont to say, this scenario provides a natural experiment with which to contrast injury and death statistics involving cyclists (and pedestrians while the bike lanes are operating, and after they have been removed. Aside from the legal implications, the likelihood of campaigns based on the question of "how many injuries/deaths the new policy is worth" is high, and indeed a question worth asking.

In addition, with the emphasis of the postulated (but not confirmed through provincial research) impact of bike lanes on automobile traffic, there is no parallel discussion of the impact of dedicated parking lanes on active lanes: if priority is gridlock reduction, then retention of parking lanes in place of live lanes is a contradiction of priorities, as the emphasis of gridlock reduction to to enhance the flow of traffic through areas, thereby parking along these priority traffic routes. A similar oversight is this bike-lane removal initiative not addressing other forms of car/truck lane removal related to transit, construction or side-walk widening initiatives, inferring this is not a well thought-out planning initiative. It begs the question of whether the province plans similar initiatives to reduce or remove sidewalks or parkland/green space, arguably to mitigate gridlock by addition of car/truck lanes?

On a fundamental level, a fundamental rationale for establishing bike lane is for safety, given the physics of car/truck collision impacts on riders/pedestrians. This reality is exacerbated by the lack of enforcement of the Highway Traffic Act on cars/trucks and cyclists/pedestrians,

and in general a lack of licence training on roles and responsibilities for vehicles under the HTA.

Finally, my observations on the impact of proposed relegation of bike lanes to secondary roads. Unless provisions are made for “Idaho” rolling stops, repeated stop signage on such secondary roads makes their utility for bike lanes poor, unless one of the criteria for bike lane evaluation is poor efficacy. Cyclists, like drivers, seek arterial roads with few or no stop signs, that provide transportation network continuity. The reality is that cyclists will remain on roads where bike lanes have been removed, legally occupying lanes as vehicles under HTA, unless the province intends to remove bicycles from the definition of vehicle under the HTA, to mitigate gridlock. While I might not be surprised with such an initiative, powered skate boards, scooters and hoverboards are not legalized as vehicles under the HTA, yet frequently use bike and bike/car/truck lanes: since I have yet to see one pulled over, I suspect enforcement of bike-bans on public roads would be spotty as well.

In summary, I advise a pause in adoption of the amended regulation focused on the Bloor-Yonge-University bike lane removals, and advise that transparent policy consultation and data analysis be carried out before implementing of this regulatory measure, and Bill 212 paused until criteria for evaluating proposed new bike lanes potentially impacting bike/car/truck traffic lanes have been established through consultation on their draft form.