



Friday, November 23, 2012

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Ministry of Municipal Affairs and Housing
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Provincial Planning Policy Branch
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Sent by electronic mail to: PPSreview@ontario.ca

Dear Mr. Lyons,

***Re: Provincial Policy Statement:
Comments on draft policies for five-year review
EBR Registry No. 011-7070***

Thank you for the opportunity to comment on your draft policies respecting the review of the Provincial Policy Statement, 2005. We are pleased to see included in the draft policies new language which recognizes ‘active transportation’ and ‘climate change’. We believe the former will go some way to helping address the latter. Unfortunately, specific transport-related recommendations made by a number of groups on October 29, 2010 during the initial consultation process have largely been ignored.¹

We provide below suggestions on the revision of particular language to accomplish the broader objectives of the PPS – and to address pressing issues of climate change, traffic congestion, and the inadequacy of safety provisions for pedestrians and cyclists on our roads. In addition, we provide a particular example where a municipality has undermined the objectives of the PPS but without any apparent recourse under the PPS. (Note: Ecojustice and CELA provided separate comments to you on November 21, 2012 on various aspects of the MMAH draft policies, with the exception of transport-related issues.)

A. Background on the submitters’ organizations

The Toronto Centre for Active Transportation (TCAT), a project of the registered charity Clean Air Partnership, conducts research, develops policy recommendations, and creates opportunities for knowledge sharing, all with the goal of providing evidence and identifying workable active

¹ See the recommendations made by Transport Action, Pembina Institute, SHIFT, York Simcoe Naturalists, and Ecojustice; available online at: <http://www.ecojustice.ca/media-centre/media-release-files/pps-2005-reform-submissions-on-active-transportation-2010.11.29/view?searchterm=010-0766>.



transportation solutions.² Cycle Toronto (formerly the Toronto Cyclists Union) is a diverse member-supported organization that advocates for a healthy, safe, cycling-friendly city for all. Cycle Toronto currently represents 2,350 members. Transport Action Ontario advocates for sustainable public and freight transportation. Ecojustice Canada is a non-profit Canadian environmental law organization.

B. The deterioration of the cycling network --- and cycling safety --- in Toronto

In early November 2012 a bike lane was removed from Jarvis Street in Toronto. The removal took place *despite* the success of the lanes in accommodating a growth of cycling on the street, the decrease in number of collisions involving both cyclists and pedestrians, and the fact that motor traffic was only slightly slowed by the removal of the (unusual) centre fifth lane. Jarvis Street is a downtown road with a high residential population, mainly concentrated in apartment buildings.

There was strong public opposition to removal of the lanes, including the opposition of the local councillor for the area. The removal of the bike lane cost the City of Toronto approximately \$300 000. The installation of the bike lane two years earlier had cost only a fraction of this amount. Two other bike lanes were removed from Toronto in 2011 along Birchmount Road and Pharmacy Avenue. We believe the removal of these lanes violates the objectives of the PPS but that the PPS provides no recourse for residents whose safety is thereby compromised. We therefore urge you to strengthen the PPS so that such conduct cannot be repeated.

C. Ontario Chief Coroner's recommendations to MMAH on pedestrian and cycling safety

In 2012 Ontario's Chief Coroner conducted two comprehensive reviews for pedestrian and cycling deaths.

In June 2012 the Coroner released his Cycling Death Review³ that analysed 129 cycling deaths over a five-year time frame; in September 2012 he released his Pedestrian Death Review⁴ covering 95 deaths during a one-year time frame. MMAH participated in the death reviews as a member of the expert stakeholder panel. Both reviews made specific recommendations to your ministry relating to infrastructure changes to prevent such deaths in the future. The Cycling Death Review made the following recommendations to MMAH (and the Ministry of Transportation) to address infrastructure issues:

² TCAT submitted comments to MMAH on the 2010 PPS consultation process on Oct 29, 2010; online at: <http://www.tcat.ca/node/1473>

³ Office of the Chief Coroner of Ontario; online at: <http://www.mcscs.jus.gov.on.ca/stellent/groups/public/@mcscs/@www/@com/documents/webasset/ec159773.pdf>

⁴ Office of the Chief Coroner of Ontario; online at: <http://www.mcscs.jus.gov.on.ca/stellent/groups/public/@mcscs/@www/@com/documents/webasset/ec161058.pdf>



1. A “complete streets” approach should be adopted to guide the redevelopment of existing communities and the creation of new communities throughout Ontario. Such an approach would require that any (re-) development of communities give consideration to enhancing safety for all road users, and should include:
 - Creation of cycling networks (incorporating strategies such as connected bike lanes, separated bike lanes, bike paths and other models appropriate to the community.)
 - Designation of community safety zones in residential areas, with reduced posted maximum speeds and increased fines for speeding.

2. An Ontario Cycling Plan should be developed, building upon the 1992 Provincial Bicycle Policy. This Plan would establish a vision for cycling in Ontario, and would guide the development of policy, legislation and regulations and commitment of necessary infrastructure funding pertaining to cycling in Ontario. This plan should be publicly available.

The Pedestrian Death Review repeated the “complete streets” recommendation. The pedestrian review also included a recommendation to create a Walking Strategy for Ontario, which the Coroner specifically recommended should become part of the PPS:

The Province of Ontario should develop a *Walking Strategy for Ontarians* which encourages municipalities to develop policies, practices, and plans for safe and convenient pedestrian conditions for transportation including road safety, recreation and health. Infrastructure Canada and Infrastructure Ontario should identify funding specific to pedestrian facilities within municipal infrastructure and stimulus funding programs.

The *Walking Strategy for Ontarians* should be led by the Ministry of Municipal Affairs and Housing, and should:

- include representatives with diverse interests in pedestrian safety;
- seek to eliminate all preventable pedestrian fatalities in the Province of Ontario in the long term, and reduce fatalities by 50% by 2022; and
- consider and recognize vulnerable road-using pedestrians such as children, the elderly, and those with disabilities.

The *Walking Strategy for Ontarians* should become a component of the current revisions to the Provincial Policy Statement 2005 (PPS) which was issued under the authority of Section 3 of the *Planning Act*, in the section, “transportation planning.”

We therefore urge you to include in the revised PPS the recommendations made by Ontario’s Chief Coroner.



D. Recommended changes to the specific wording of the draft policies and definitions

In addition to the above comments we recommend for your consideration the following changes in the noted sections:

1.0 BUILDING STRONG HEALTHY COMMUNITIES

Add a sub-clause to section 1.1.1 as follows: “Ensuring that active transportation and transit will be included in all forms of development and land use patterns for current and projected needs”

Integrate #4 and #5 in section 1.1.3.2 as follows: “Facilitate active transportation and linkages that are transit supportive, and integrate active transportation and linkages;”

Add new section 1.1.3.9 as follows: “Planning authorities shall identify and promote opportunities for active transportation and transit corridors and linkages where they can be accommodated taking into account existing transportation systems and patterns, and the availability of suitable or existing or planned transportation infrastructure required to accommodate existing needs.”

We also suggest that here or elsewhere in the PPS policies, it ought to be emphasized that transit, rail, and active transportation are to be prioritized over automobile-centred and air infrastructure.

We also note that there is little if any attention given to the problem of land squandered through excessive parking areas. Part of this problem is the issue of minimum parking requirements. We therefore suggest a provision requiring “steps to reduce land consumed by parking, including removal of minimum parking requirements (except for disabled parking spots) at entertainment and shopping facilities, residential high rise or similar buildings and public facilities, particularly any of such areas served by transit.

1.5 PUBLIC SPACES, RECREATION, PARKS, TRAILS AND OPEN SPACE

Revise paragraph 1.5.1 (a) as follows: “planning public streets, spaces and facilities to be safe, prioritize the needs of pedestrians of all ages and abilities, foster social interaction and facilitate active transportation and community connectivity;”

1.6 INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES

Revise section 1.6.6.1 as follows: “Transportation systems should be provided which are safe, energy-efficient, facilitate the movement of people of all ages and abilities and goods, and are appropriate to address projected needs”.

Revise section 1.6.6.4 as follows: “A land use pattern, density and mix of uses shall be promoted that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.”



Revise section 1.6.6.5 as follows: “Multi-modal transportation and land use considerations shall be integrated at all stages of the planning process.”

Revise section 1.6.7.1 as follows: “Planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit, active transportation and infrastructure facilities to meet current and project needs.”

1.7 LONG-TERM ECONOMIC PROSPERITY

Revise paragraph 1.7.1 (c) as follows: “maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets with a focus on transit and active transportation;”

Add new paragraph 1.7.1 (m) as follows: “optimize long term health of communities and residents by enhancing active transportation networks.”

Revise paragraph 1.8.1 (c) as follows: “focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit and active transportation where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;”

6.0 DEFINITIONS

Revise *active transportation* as follows: “means human-powered travel, including but not limited to, walking, cycling, inline skating, skateboarding and travel with the use of mobility motorized wheelchairs.”

Add a definition for *cycling* as follows: “refers to the act of riding a bicycle, tricycle or other similar vehicle, but does not include any vehicle or bicycle propelled or driven by any power other than muscular power.” (adapted from MTO definition of *bicycle*)

Revise *infrastructure* as follows: “means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit, active transportation and transportation corridors and facilities, oil and gas pipelines and associated facilities”.

Revise *transit-supportive* as follows: “in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, supported by active transportation corridors. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.”

Revise *transportation system* as follows: “means a system consisting of facilities, corridors and rights-of-way for the movement of people of all ages and abilities, and goods and associated



transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park-n-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.”

E. Additional comments

We are encouraged by the incorporation of certain terms and references. Specifically, as noted, we support the inclusion of references to “climate change” (particularly in 1.8 which is to read “Energy Conservation, Air Quality, and Climate Change”) and “active transportation.” The emphasis on intensification, compact form, and mixed uses will generally increase active transportation (as you articulate in Part IV – Vision), and therefore reduce --- or at least slow the increase --- in the emission of greenhouse gas emissions.

In particular we commend:

- the clarification in Part III (“How to read the PPS”) about the fact of some policies providing guiding language while others provide mandatory language. In addition the articulation of the policies being minimum standards is appreciated.
- the inclusion in “Part V: Policies”, specifically section 1.1.3.2 of the statement that “Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which ... 4. support active transportation; 5. are transit supportive ... “ We note, however, that the qualifying words “ where transit is planned, exists or may be developed ...” is very loose and undermines the nature of the obligation to provide “transit supportive” densities.
- the inclusion in section 1.6.6.2 of “transportation demand management” to ensure that efficient use is made of “existing and planned infrastructure”. The qualification that TDM be used only “where feasible”, however, undermines the addition of TDM.
- the inclusion in paragraph 1.7.1 (k) of “minimizing negative impacts from a changing climate ...” However, we question the failure to emphasize the vital importance of MINIMIZING climate change by reducing greenhouse gas emissions. Our long term economic prosperity is dependent on reducing greenhouse gas emissions – as this summer’s drought across the U.S. and heat wave in Ontario reminded us. We do recognize and appreciate that other parts of 1.7 (“Long-Term Economic Prosperity”) mention the useful goals of supporting local food, energy conservation and renewable energy supply, among other things.
- the promotion in section 1.8 (“Energy Conservation, Air Quality and Climate Change”) of compact form, the use of active transportation and transit, and design that maximizes energy efficiency.



As noted, however, we are disappointed that most of the specific recommendations made by the coalition of transport-focused groups on October 29, 2010 have not been incorporated. In addition, we also note that the rather chronic problem of provincial funding of the expansion of highways has not abated, and the PPS does not explicitly address this issue in its revised document. Addressing this issue would help address the problem of rising transport greenhouse gas emissions in Ontario – a matter that has been the subject of concern to Ontario’s Environmental Commissioner, among many others.

We fully appreciate the need to make communities more “resilient” to climate change but urge MMAH to take stronger measures to prevent additional climate change from occurring. Promoting the safety of cycling and walking is one way to help accomplish this goal. The proper emphasis in the PPS to energy efficiency could be highlighted by underlining that the current auto-based transport system is extremely energy *inefficient* and *greenhouse gas-intensive*.

Conclusion

Thank you in advance for your consideration of our comments and recommended changes. We would be happy to meet with you in person, particularly to discuss our experience regarding the deterioration of the bike lane network in Toronto and the Coroner’s recent recommendations.

Sincerely,

A handwritten signature in black ink that reads "Albert Koehl".

Albert Koehl
Staff Lawyer

on behalf of:
Toronto Centre for Active Transportation
Cycle Toronto (formerly Toronto Cyclists Union)
Transport Action
Ecojustice Canada

Cc: Office of Ontario’s Chief Coroner