



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2017
SUBJECT/REPORT NO:	Licensing of Bicycles (City Wide) (PED17046) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ken Leendertse (905) 546-2424 Ext. 3059
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting on November 25, 2016, the General Issues Committee approved the following:

“That staff be directed to review what happened in Toronto with respect to the licensing of bicycles and other unlicensed motorized vehicles, and what the Provincial rules and regulations are with respect to the licensing of bicycles and other unlicensed motorized vehicles, and report back to the Planning Committee.”

Information:

At the September 27, 2016 meeting of the Public Works and Infrastructure Committee of the City of Toronto, the Committee examined the concept of licensing bicycles. The original proposal was to examine the issue of licensing for three reasons:

- Bicycle Network Development;
- Education; and
- Raising Revenue

There were three delegations that presented to the Committee. Concerns highlighted were the cost of administrating the program, the Municipality’s authority to licence and enforcement challenges to regulate bikes. After a review of the issues, the Committee voted to defer consideration on this issue indefinitely.

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The City of Toronto passed a Bicycle Licensing By-law in 1935, but was repealed in 1957 because of the unconscious contravention of the law by those of a tender age which resulted in poor public relations between the police and children.

Since that time, the City of Toronto investigated licensing cyclists on at least three occasions, with the focus on bike theft in 1984, and on riding on sidewalks, traffic law compliance and couriers in 1992 and again in 1994.

The following overview is paraphrased from the Toronto Licensing web site concerning Bicycle Licensing:

Cost: *There will be significant administrative costs of maintaining an accurate database, and processing licenses. If cyclists were asked to cover the cost of licensing, in many cases, the license would be more expensive than the bicycle itself.*

Age: *Many children use bicycles and there is an argument to be made that licensing would allow an opportunity for education, but again the bureaucracy of such a mandatory system has been seen as too cumbersome to develop.*

Jurisdiction: *The natural jurisdiction to license bicycles is the province as it falls on the roadway. Historically, municipalities have licensed bicycles in Ontario for identification purposes to assist the police. Today, many cyclists cross municipal boundaries.*

Enforcement: *The discussions about cyclists and the law have raised the question about how we want our enforcement officers to spend their time and limited resources. Police who have been involved in the studies of licensing have determined that the Highway Traffic Act (HTA) already gives them the necessary tools, such as Section 218, to do the enforcement job.*

Effectiveness: *What is the goal that licensing cyclists is attempting to achieve? If the goal is to increase cyclists' compliance with traffic laws, and to reduce the number of conflicts with pedestrians and other road users, then licensing as an approach needs to be compared with other possible initiatives. Other solutions: blitz enforcement of rules on riding on sidewalks, public awareness campaigns, skills training through CAN-BIKE, and the provision of bicycle-friendly facilities, such as bike lanes, while not perfect, are more effective in meeting the goals of cyclist compliance with traffic laws than the investment in licensing.*

Public policy considerations: *Concerns over cyclist compliance with traffic laws are real, and require on-going attention. If, however, major investments are to be made by governments or by cyclists themselves, then the overall public policy goals behind that investment need to be addressed. For example, there is a strong public policy case to be made for licensing motor vehicle drivers. Hundreds of lives are lost each year because of motor vehicle crashes and collisions, and many thousands more are injured.*

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Cyclists are involved in a smaller number of incidents, which must be addressed. However, given the benefits of cycling to health, the environment, and the community, on-going efforts to increase cycling compliance with traffic laws must be a part of an overall strategy to promote safe cycling.

City of Hamilton Legal Services Review

From a legal perspective, the City of Hamilton Legal Services Department has reviewed the proposed concept of licensing bicycles as a user fee and also the authority to license under the *Municipal Act*. The following information addresses the proposal:

As a user fee for bike lanes - bicycle licensing to raise revenue for installation and maintenance of bike lanes: As determined by the courts, a licensing fee can only off-set the cost of administrating and enforcing the licences – that is staffing and non-staffing expenditures relating to processing applications, inspection and enforcement efforts. A licensing fee cannot raise revenue for other purposes, for example, the installation and/or maintenance of bicycle lanes.

To regulate road safety – bicycle licensing to ensure safety on the City’s roads: The *Highway Traffic Act* currently regulates bicycles, ensuring safety on roads. The regulation of road safety for vehicular traffic is a domain already occupied by the Provincial government; and bicycles easily cross municipal boundaries, underscoring that any road safety regulatory aspect needs reside at the provincial level.

If licensing bicycles in a manner similar to motor vehicles (including licensing drivers) would enhance road safety, then this is best accomplished by the Province using the *HTA* and the existing administration and enforcement resources already in place.

To deter theft and aid in police investigations: This is the stated intent of Stratford’s Bicycle Licensing By-law. Toronto’s review suggests that the Police have adequate tools (bicycle serial numbers) and are not seeking additional municipal registration for this purpose.

Calgary, Ottawa and Toronto have all reviewed and not pursued bicycle licensing and Winnipeg has recently abandoned bicycle licensing for reasons including those provided in the comments above.

Public Health Perspective

There are many societal benefits of having more people cycling, including improved health¹, reduced congestion², improved road safety for all users¹, decreased noise and air pollution³, and improved worker productivity¹. Cycling also provides an affordable transportation option for people of all ages and incomes and may increase access to employment, education, recreation, and health and retail services⁴. A bicycle licensing

system could create potential administrative and financial barriers to cycling at a time when the City of Hamilton is encouraging people to cycle.

The Hamilton Cycling Committee Perspective

From the Hamilton Cycling Committee perspective, there are concerns that the cost to manage such a program is likely to be more than the funds that would be collected. Therefore, expecting a licensing program to generate funds to finance the construction of cycling infrastructure is very unlikely. Requiring bicycles to have an identification plate does not change the ability to ticket offenders, as ticketing of offenders already occur and requiring bicycles to have an identification plate in Hamilton would impede visitors and cycling tourism.

The Hamilton Cycling Committee suggests that information could be posted on the City's website to clarify the issues of bicycle licensing, similar to what is posted on the City of Toronto website.

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¹. Frank, L., Kavage, S. & Litman, T. (2006). Promoting public health through smart growth: building healthier communities through transportation and land use policies and practices. Smart Growth BC. 1-43.

². Transport Canada (2006). The cost of urban congestion in Canada. Transportation Canada, Environmental Affairs. Retrieved January 20, 2017 from <http://www.adec-inc.ca/pdf/02-rapport/cong-canada-ang.pdf>.

³. Sallis, J.F., Spoon, C., Cavill, N., Engelberg, J., Gebel, K., Lou, D., Parker, M., Thornton, C.M., Wilson, A., Cutter, C.L., Ding, D. (2015). Making the Case for Designing Active Cities. San Diego, CA: Active Living Research.

⁴. Giles-Corti, Billie et al. (December 2016). City planning and population health: a global challenge. The Lancet, Volume 388, Issue 10062, 2912-2924.

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