



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	December 2, 2024
SUBJECT/REPORT NO:	Bill 212 – Proposed, Reducing Gridlock, Saving You Time Act, 2024 (PED24226) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Peter Topalovic (905) 546-2424 Ext. 5129
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council endorse the submissions and recommendations in Appendix "A" attached to Report PED24226 regarding the proposed Bill 212 - *Reducing Gridlock, Saving You Time Act, 2024*;
- (b) That the Director of Transportation Planning and Parking be authorized and directed to confirm the submissions and recommendations made to the Province resulting from Council's review and decisions on Report PED24226;
- (c) That staff report back to Council should Bill 212 - *Reducing Gridlock, Saving You Time Act, 2024* be proclaimed on any required process, fee and By-law changes necessary to implement the proposed changes.

EXECUTIVE SUMMARY

On October 21, Bill 212, *Reducing Gridlock, Saving You Time Act, 2024* was introduced at the Ontario Legislature which has received first reading. If enacted, this Bill would accelerate the building of various highway projects, including Highway 413 and would provide an exemption from the *Environmental Assessment Act* for enterprises, activities, proposals, plans and programs related to the

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

construction of Highway 413.

The Bill also requires prescribed municipalities to seek Provincial approval to allow for the implementation of new bicycle lanes that require the removal of an existing lane of traffic. Approval will be based on a set of specified criteria, to be set out in guidance and/or regulation.

The proposed framework would also provide the Province with the authority to request municipalities to submit information about existing bike lanes on municipal roads where an existing vehicle lane was removed. If the municipality does not have the required data, the Minister has the authority to compel the municipality to collect the data and provide it to the Ministry.

The Government of Ontario requested comments on the proposed changes through the Environmental Registry of Ontario (ERO 019-9266) with a deadline of November 20, 2024. Given the commenting deadline, staff-level comments contained in Appendix "A" attached to Report PED24226 have been submitted to the Province.

In summary, Staff believe that implementation of bike lanes should remain a municipal responsibility, based on the needs and desires of the community, as laid out in the City's Official Plan and the Transportation Master Plan. Encouraging cities to collect pre- and post- construction data collection is prudent for all transportation projects and Staff support that in general; however, do not feel that it should be used to remove previous projects as there are many factors which are used to determine the scope of cycling projects including but not limited to road safety, social equity, and climate change considerations. Staff encourage a systems approach to developing transportation networks in municipalities, where overall traffic flow should be monitored, while recognizing that traffic in specific areas have different levels of service in order for the entire system to be optimized.

Staff recognize that this proposed legislation directly contradicts the Provincial Strategic Plan - "Helping Ontario's most vulnerable by keeping costs down and continuing to reduce red tape to put money back into the pockets of the people of Ontario" as bike lanes and active transportation infrastructure are critical and provide an accessible, healthy, and affordable means of transportation. Cycling lanes allow for a multi-modal approach to managing traffic flow, reducing personal vehicle use, and thus, minimizing associated emissions.

Hamilton and other municipalities have developed a variety of policies, programs and directives to improve convenience, safety, cost, and environmental impact for all residents that are complemented by active transportation infrastructure. This includes:

Vision Zero, Complete Streets, Multi-modal level of service, Climate Change Action Strategy, Transportation Impact Studies, Transportation Demand Management strategies, Smart Commute, and School Travel Planning.

Staff have a variety of logistical concerns about Bill 212, including that the Bill does not indicate what the approval process will be, or timelines tied to establishing one. The Bill also does not describe the process or requirements tied to the province requesting an assessment or timelines tied to establishing a process. There is no connection or acknowledgement of the *Environmental Assessment Act* and associated projects. Staff have further logistical concerns tied to infrastructure implementation; instead of being able to assess and proceed based on the City's internal process, additional time and resources are now required to go through the Provincial process, which is going to lead to project delays.

Appendix "A" attached to Report PED24226 contains consolidated Staff comments.

Appendix "B" attached to Report PED24226 contains a research statement from Public Health Services which provides documented and peer-reviewed references to back-up the information presented in this Report on the challenges that Bill 212 presents to active transportation network planning and development.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Bill 212 will have financial implications on the City. The degree and magnitude of the financial implications are not fully known at the time of preparation of this Report. Staff will continue to monitor, analyze and report back to Council as necessary. These costs could include data collection, monitoring, re-development of existing plans, development of new active transportation routes to accommodate the removal of bikes lanes and related construction costs, beyond those related to the removal costs that are covered by the Province.

Staffing: There are no immediate staffing implications associated with this Report.

Legal: There are no immediate legal implications associated with this Report.

HISTORICAL BACKGROUND

In 2019, the Province made changes to the *Environmental Assessment Act* through Bill 108, *More Homes, More Choice Act, 2019*. These changes exempted low-impact projects, such as bike lanes and roadside parks from environmental assessment requirements. In July 2020, the *Environmental Assessment Act* was further amended by the *COVID-19 Economic Recovery Act*, with a variety of changes to section 16 (Order to Comply), landfill development requirements.

In December 2021, the *Environmental Assessment Act* was updated to change the types of projects that can follow a class environmental assessment process. It also made changes to eliminate the duplication and reduce the delay for various types of projects including priority transit projects and the Bradford Bypass.

In August 2023, the *Environmental Assessment Act* was updated to move to a Project List approach under the *Environmental Assessment Act* and added additional exemptions as well as additional process streamlining to avoid duplications and ensure consistency.

On November 13, 2024, Council approved a motion “Opposing the Proposed Provincial Initiative that Seeks to Restrict or Limit the Autonomy of Municipalities in Implementing Road Safety Measures”. This motion recommended that Hamilton City Council formally oppose any proposed provincial initiative that seeks to restrict or limit the autonomy of municipalities in implementing road safety measures, including the establishment and or removal of bike lanes or bike infrastructure. It also affirmed that Hamilton City Council supports the empowerment of municipal road authorities to independently assess and recommend the best methods to ensure the safety of all road users within their jurisdictions and responsibilities.

In terms of the provisions to approve bike lane projects and evaluate previous projects with potential removal, there is no historical precedent.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed legislation in Bill 212 will make further changes to the *Environmental Assessment Act*, specifically to exempt various components of the Highway 413 project to streamline and improve implementation and timelines.

Bill 212 will also challenge previous City of Hamilton Council approved documents and projects including the Official Plan, the Transportation Master Plan and the Cycling Master Plan. The proposed projects in these plans may require Ministry of Transportation of Ontario approval to be constructed or may be removed depending on Ministry of Transportation of Ontario analysis, if installed within the last five years. This

proposed legislation changes the role of cities in planning and building infrastructure projects under their jurisdiction.

RELEVANT CONSULTATION

Several internal stakeholders were consulted as part of the development of this Report including:

- Public Works - Infrastructure Renewal;
- Public Works - Transportation;
- Planning and Economic Development – Infrastructure Planning;
- Planning and Economic Development - Sustainable Communities;
- Planning and Economic Development - Climate Change Office; and,
- Public Health Services - Healthy Environments.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

This Report provides Council with an update on the proposed Bill 212, *Reducing Gridlock, Saving You Time Act, 2024*, which Staff have concerns and anticipate challenges with, given that they strongly believe that this Bill will have the opposite of its intended effect.

○ **Induced Demand**

It is understood that the legislative changes being proposed in Bill 212 are intended to ease transportation challenges related to congestion. While it is often assumed that increasing roadway space and capacity to accommodate additional motor vehicles will improve traffic outcomes, these positive effects are temporary, and, over time, the increased roadway capacity for vehicles has the opposite effect and increases congestion to an even larger extent. This is called “induced demand.”

The removal of bike lanes in Hamilton is likely to have limited effect on traffic flow and has the potential to result in more traffic overall if additional lane capacity incentivizes more vehicular travel.

○ **Municipal Responsibilities and Authority**

Municipalities in Ontario have various responsibilities under the *Municipal Act* that provide services to residents, which include water and roads, amongst other vital services. These municipalities are required to have Official Plans and Transportation Master Plans that take a local approach in implementing Provincial policies and plans. Each municipality has common and unique challenges which makes it prudent to take a local approach, guided by a common set of guidelines and principles.

Bill 212 takes an approach to managing transportation impacts that does not recognize the municipal perspective, planning processes, public engagement, and local knowledge that is required to assess, plan, design, implement and monitor local transportation infrastructure projects. This includes a variety of policies, programs and directives to improve convenience, safety, cost, and environmental impact for all residents that are complemented by active transportation infrastructure:

- Vision Zero that sets out strategies to increase roadway safety for residents;
- Complete Streets Design Manual to help staff design roads that balance the needs of all road users;
- Multi-modal level of service, which redefines roadway capacity in a more inclusive manner, taking into account pedestrians, cyclists, and transit users;
- Climate Change Action Strategy, which establish strategies, programs and funding to mitigate and adapt to climate change locally;
- Transportation Impact Studies, which take an inclusive approach to transportation impacts associated with developments;
- Transportation Demand Management strategies, including Smart Commute and School Travel Planning, which help manage travel demand through a set of strategies and programs to reduce congestion;
- Environmental Assessments, which ensure the planned road networks are assessed with planning, engineering and public engagement principles as key drivers; and,
- Planning for Healthy Environments, which ensures that infrastructure and planning projects prioritize health impacts.

The City of Hamilton has the tools necessary to determine where roads should be built, how many lanes should be included, what types of modes need to be accommodated, and what corridors should provide public transportation and active transportation infrastructure. There is no requirement for additional Provincial oversight. There are already Provincial tools in place to guide/direct cycling infrastructure development, such as the Ontario Traffic Manual - Book 18 (Cycling Facilities).

Beyond the Ontario Traffic Manual – Book 18, research, practical application, and local and international examples all indicate conclusively that the provision of sufficient space and separation of cycling and pedestrians is essential for municipal transportation networks. This has been proven to improve roadway safety for car drivers, cyclists and pedestrians; increased travel convenience and incentives; reduced roadway maintenance costs; reduced commuting costs; improved automobile traffic flow; improved physical activity levels; and increased job satisfaction. Municipalities are already assessing projects and are making informed decisions as to locations for road diets where the needs of all road users are considered.

Furthermore, Bill 212 gives no consideration as to Council approval for current and planned transportation projects. The proposed Bill may halt any projects that have not been tendered, and it places projects that have been approved by Council but are still in the planning or design process, in a difficult position; potentially causing significant delays and increasing future project costs.

- **Process and Logistical Considerations**

The lack of information provided in Bill 212 will make it difficult for municipalities to prepare; whether it is changing capital plans or scoping transportation assessments in a manner that aligns with the future Provincial requirements or starting to prepare applications.

The proposed Bill does not provide a definition of a travel lane, which makes it difficult to gauge which projects could be impacted. For example, Victoria Street South is being designed to include cycling lanes, achieved through the removal of a parking lane. It is unclear whether a lane that primarily accommodates parking cars is considered a lane that may not be able to be converted or removed under Bill 212.

Bill 212 does not indicate what the approval process will be, or timelines tied to establishing one. The Bill also does not describe the process or requirements tied to the province requesting an assessment or timelines tied to establishing a process. There is no connection or acknowledgement of the *Environmental Assessment Act* and associated projects. Staff have further logistical concerns tied to infrastructure implementation; instead of being able to assess and proceed based on the City's internal process, additional time and resources are now required to go through the Provincial process, which going to lead to project delays.

Driver frustration is expected and encountered whenever there are roadway changes including those for road widenings or road diets. In this situation, driver frustration is necessary in order to increase the modal split, shifting users to active transportation or public transportation, and thus supporting the long-term sustainability of communities across Ontario.

- **Past Projects Subject to Review**

Most of the installed and planned active transportation infrastructure projects in Hamilton have been constructed to minimize impacts to general purposed travel lanes, on-street parking, and multi-modal level of service for traffic. In some instances, the removal of a general-purpose travel lane or on-street parking was required to complete an active transportation connection within the last five years. The following projects may be subject to review by the Ministry of Transportation:

2024

- Upper Paradise Road at Stone Church Road separated bike lanes: The Northbound and Southbound right turn lanes were removed to accommodate the bike lanes.

2023

- Emerson Street (Main Street to Rail Trail) – the installation of a two-way cycle track resulted in the removal of on-street parking.
- John Street (Guise Street to Barton Street) – the installation of a two-way cycle track involved the conversion of John Street to one-way Northbound. This recommendation was tied to other Ontario Municipal Board matters and now matches the configuration of John Street, south of Barton Street.
- Inverness Avenue (Upper James Street to East 8th Street) – buffered bike lane installation resulted in the removal of on-street parking in some areas.
- Dewitt Road (Highway 8 to Barton Street) – buffered bike lanes resulted in the removal of a small amount of on-street parking.
- Stonehenge Drive (Southcote Road to Stone Church Road) – buffered bike lanes resulted in the removal of all on-street parking and narrowing of lanes.

2022

- King Street (Stoneybrook to Hwy 8) – buffered bike lanes installed by reconfiguring the street from a four-lane cross-section (two lanes in each direction) to a three-lane cross-section (one lane in each direction and a two-way left turn lane in the center with no on-street parking).
- Victoria Avenue (Cannon Street to Hunter Street) - a two-way cycle track was constructed by repurposing the East side curb lane.

2021

- Hatt Street (John Street to Baldwin Street) - Uni-directional separated bike lanes were developed by the consolidation of parking to one side and narrowing of motor vehicle lanes. This is also planned for capital works in the next approximately five-years that would include an elevated cycle track.
- Hunter Street (MacNab Street to Park Street) – a two-way cycle track (with poured in place concrete curbing) was constructed resulting in the removal of the south side curb lane (three-lanes to two lanes).
- Victoria Avenue (Cannon Street to Copeland Street) – a two-way cycle constructed by repurposing the East side curb lane.

2020

- Keddy Access Trail (Hunter Street and West 5th Street) – Multi-Use Path developed by converting a three-lane cross-section to a two-lane cross-section. This project was part of the Ontario Municipal Commuter Cycling Program (2017 Provincial grant as part of Ontario’s Climate Change Action Plan).
- Victoria Avenue (Burlington Street to Ferrie Street) – Uni-directional separated bike lanes were constructed as part of a two-way conversion of the roadway.
- Melvin Avenue (Walter Street to Woodward Avenue) – painted bike lanes were installed by converting a four-lane cross-section to a two-lane cross-section with parking on one side.
- Locke Street (King Street to Hunter Street) – painted bike lanes installed by removing one motor vehicle travel lane.
- Hunter Street (Liberty Street to Keddy Access Trail) – a two-way cycle track was installed by removing on-street parking on the south side.
- Britannia Avenue (Cannon Street/Barons Avenue to Walter) – buffered bike lanes implemented by narrowing of lanes and/or removal of on-street parking in certain sections.

This list consists of projects that could be under review by the Ministry of Transportation of Ontario. All other projects completed in the last five years did not result in the removal of a general-purpose travel lane or on-street parking.

○ **Planned Projects Subject to Review**

In February 2023, Council approved a Report on Accelerating the Cycling Master Plan (PED23042(a)/PW23008(a)). This plan identifies a total of 151 kilometres of cycling facilities that could be implemented from 2024 to 2028, subject to funding. The plan will see 81 kilometres of new separated facilities (e.g. separated bike lanes, raised cycle tracks, multi-use paths), 17 kilometres of new dedicated facilities (e.g. buffered and painted lanes) and 21 kilometres of new shared facilities (e.g. bike boulevards) implemented over four years.

While some projects are subject to further design in order to confirm whether or not a traffic lane will be removed, it is noted that a large number of projects in the accelerated plan will not require removal of a traffic lane. This includes projects such as Rymal Road from Darnall Road to Upper James which will see the construction of a new Multi-use Path as part of the road widening project. Projects such as York Boulevard will involve the upgrading of existing lanes. In other cases, cycling facilities will be achieved through the narrowing of traffic lane widths or removal of on-street parking.

ALTERNATIVES FOR CONSIDERATION

Council may amend the staff-level comments attached as Appendix "A" to Report PED24226 or supplement the staff-level comments with additional comments.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24226– Staff Comments to the Environmental Registry of Ontario (ERO 019-9266)

Appendix "B" to Report PED24226– Public Health Research and Response to Bill 212