

Law Office of Ian Flett

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8 June 2012

Mr. Jason Diceman
Public Consultation Unit
City of Toronto
Metro Hall, 19th Fl., 55 John Street
Toronto, ON M5V 3C6

Dear Mr. Diceman,

RE: Notice of Completion: Union Station at Front Street and The John Street Corridor: John Street Corridor Improvements

I am retained by Urbane Cyclist, a worker co-operative which operates a bicycle retail store and repair shop.

Urbane Cyclist first opened its doors on John Street in the Spring of 1997.

Urbane Cyclist maintains the Environmental Study Report (“ESR”) is the fruit of a spoiled tree. The ESR is deficient because data about the number of people who rely on John Street as an important bicycle commuter route was wrong and no attempt was made to correct it. This undermines meaningful public and stakeholder consultation and proponent deliberations on alternative solutions.

Further, the ESR ignores the impact the preferred alternative will have, both during construction and after completion, on existing bicycle user demands along John Street.

These deficiencies do not address the environment that will or might reasonably be expected to be affected by the proponent’s undertaking.

Urbane Cyclist invites the City of Toronto (“City”) to discuss this deficiency with a view of achieving a meaningful resolution.

If a meaningful resolution is not reached, Urbane Cyclist has instructed me to request the Minister of the Environment issue a Part II order pursuant to the *Environmental Assessment Act*.

Inaccurate Cycling Data

Stephen Schijns, P.Eng., Manager, Infrastructure Planning of the City acknowledged defects in the cycling data in a June 30, 2011 memorandum which is included as Appendix F in the ESR. These defects included, but are not limited to:

- Southbound only counts from August 2007 “...can not be considered representative of the John Street corridor as a whole, and indeed are not likely reliable for non-auto modes”.
- A further traffic study commissioned by the city and conducted by URS ignored bicycles in a first count, ignored an important peak traffic hour in the second count and the final count was conducted on the weekend: altogether, this study yielded almost no information of use with respect to bicycle commuter traffic. Mr. Schijns writes that the scope of this study was principally to understand pedestrian volumes on weekend evenings and during special events, however its results were used to create the flawed suggestion cyclists only ever represent 2% of traffic on John Street at all times.
- Subsequent counts conducted by City staff and a private citizen conclude significantly higher counts would be more accurate, but leave the study’s authors and the public without any conclusive data about existing bicycle traffic on John Street.

Urbane Cyclist is very concerned the data used to determine bicycle traffic on John Street was so flawed it effectively renders any conclusion about transportation in the ESR deficient.

Flawed Deliberations

Urbane Cyclist maintains flawed data leads to flawed deliberations. These flaws lead to a deficient ESR.

The City of Toronto chose the environmental assessment process in Schedule C, Municipal Class Environmental Assessment (“MCEA-C”) – which is at its core a self-assessment.

A self-assessment of any kind is meaningless if its source data is inaccurate. This is a serious deficiency because public stakeholders are the only independent and critical reviewers of the deliberations conducted towards choosing a preferred alternative in an MCEA-C. In this case, inaccurate data is a deficiency that muzzles meaningful public consultation and undermines critical review of the deliberations leading to conclusions.

Public and proponent deliberation over alternative solutions effectively ignored the needs of bicycle traffic because of significant and misleading under-representation of bicycle use and traffic conditions on John Street.

The June 30, 2011 memorandum that finally makes clear why the cycling figures were so woefully inaccurate is dated two weeks after the second and final public consultation. And it was only made available online only 7 days before the deadline for public comments on the preferred and alternative design solutions.

Chronology of Public Consultation and Release of Memorandum	
September 2009	City Council authorizes EA re: John Street Corridor
June 17, 2010	1 st public consultation, 2% use at all times on all parts presented in materials.
June 16, 2011	2 nd public consultation: alternate design concepts and preferred design presented at consultation meeting.
June 30, 2011	Stephen Schijn memorandum acknowledges flaws in cycling data.
July 7, 2011	Deadline for public comments on design concepts.
July 1-7, 2011	Date range during which Schijn memorandum was posted to John Street Website ¹

Deficiency in the ESR

Mr. Schijn’s statement in his June 30 memorandum that, “...as the analysis of alternatives demonstrates, cycling issues play a key, if not dominant, role in the deliberations and differences between alternatives”, is a bald assertion.

The ESR considers planned alternative north-south bicycle routes it found in the Toronto Bike Plan (2001). It gives regard to John Street’s absence on the bikeway map as part of its justification for placing little weight on the needs of bicycle users.

However, it is unreasonable to address existing demand with non-existing infrastructure. The ESR’s suggestion infrastructure planned more than a decade ago but never built or accommodated will address the impacts of the preferred alternative on existing bicycle user demand is a significant deficiency in the ESR and justifies bumping up the MCEA-C to full Minister ordered environmental assessment.

The most probable reasons for conclusions about the needs of bicycle traffic in the ESR are either that the authors of the study ignored the existing realm with respect to bicycle use in their deliberations or relied on the faulty data which under-represents bicycle use on John Street.

¹ The John Street Corridor website indicates the posting as “July, 2011”. Traffic Services provided the date range of “the first week of July 2011, but could not confirm the specific date it was posted. The day, month and year of all other postings is indicated on the website.

Environmental Impacts

This deficiency will only be resolved where the environmental impacts of the preferred alternative are considered and studied with respect to the human realm as it relates to bicycle users.

As it exists now, the preferred alternative after completion either forces bicycle users to navigate a maze of cars and delivery vehicles parked on mountable curbs in narrow lanes or follow a dangerous and convoluted alternative.

Also, no mention is made of the impacts on bicycle traffic during construction when much of John Street will be unavailable.

For example, the closest north-south route proposed in the bike plan requires an illegal right hand turn from Beverly to Phoebe, a left at Soho and then crossing a treacherous amalgam of vehicle traffic lanes and street car tracks at the off-set controlled intersection of Soho-Queen West-Peter.

Alternatively, bicycle users are invited to merge into westbound traffic on Queen Street West at Beverly and then negotiate, at their peril, a left turn on Peter from Queen again over street car tracks with unpredictable motor vehicle traffic from Soho.

None of these dangerous alternatives were studied or considered as impacts of the preferred alternative in the ESR.

Conclusion

The only reliable conclusion in the ESR concerning bicycle use along John Street as part of the existing realm is that its authors either ignored any data about bicycle use along John Street or relied on data it acknowledges as inaccurate.

Urbane Cyclist invites the City to discuss these deficiencies. If these deficiencies are not resolved in a meaningful way to the satisfaction of Urbane Cyclist, I am instructed to pursue a Part II order from the Minister of the Environment under the *Environmental Assessment Act*.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Flett', written in a cursive style.

Ian Flett