

June 11, 2012

Via Email and Fax: minister.moe@ontario.ca and (416) 314-7337

The Honourable Jim Bradley
Minister of the Environment
Ferguson Block, 11th Floor
77 Wellesley Ave.
Toronto, ON M7A 2T5

Dear Mr. Bradley:

Re: Request for Part II Order re Front Street/Union Station Project

We are the solicitors for Cycle Toronto (formerly the Toronto Cyclists Union). Founded in 2008, Cycle Toronto promotes the safety, legitimacy and accessibility of cycling in Toronto, and currently has over 2,300 paying members.

This letter concerns the municipal class environmental assessment ("MCEA") recently completed by the City of Toronto (the "City") for a proposed undertaking to reconfigure Front Street and Union Station (the "Project").

Our client respectfully requests that the City be ordered to comply with Part II of the *Environmental Assessment Act* before proceeding with the Project (i.e., that the Project be subjected to a full Individual Environmental Assessment). In the alternative, our client requests that certain conditions be imposed on the Project, as described in more detail below.

The bases for this request are as follows:

1. The Project does not conform to Metrolinx's Mobility Hubs Guidelines.
2. The Project is not consistent with the Provincial Policy Statement issued by the Ministry of Municipal Affairs and Housing, contrary to s. 3(5)(a) of the *Planning Act*.
3. The Project does not conform to the Greater Golden Horseshoe growth plan under the *Places to Grow Act*, contrary to s. 3(5)(b) of the *Planning Act*.
4. The Project does not conform to the City of Toronto Official Plan.

5. The MCEA for the Project did not treat cycling as a legitimate mode of transportation, resulting in a preferred design that makes switching between public transit and bicycle at Union Station unduly difficult.
6. The MCEA for the Project seems to assume that any bicycle parking at grade between Union Station and Front Street West would be undesirable “clutter”, and made no attempt to consider whether design options were available to provide for bicycle parking facilities in front of Union Station that were aesthetically compatible with Union Station.
7. The Project impacts Canada’s busiest public transportation hub and hundreds of thousands of commuters every business day, and, as such, is very different from a typical MCEA road reconfiguration project, and therefore warrants an Individual Environmental Assessment.

CYCLE TORONTO’S CONCERNS

Our client has the following specific concerns which have been communicated to the City of Toronto. As described in more detail below, it should be noted that all three of these shortcomings were identified by Metrolinx in its comments to the City on the Project.

Lack of Bicycle Parking

Prior to the commencement of construction in 2010, there were 113 well-used bicycle parking spaces directly in front of Union Station, and 16 additional spaces on the north side of Front Street. We understand that the Project envisions a total of 28 spots located on the ends of the Front Street plaza near Front Street, and 32 spots north of Front Street.

This is a net reduction in both the quantity and quality of bicycle parking, since the new spots would be less convenient for cyclists using Union Station.^{1,2} In order to encourage combining bicycle and transit trips, it is essential to have a large supply of bicycle parking directly in front of Union Station, as existed before.

¹ The City states that there will be an increase in secure long-term bicycle parking at the York Teamway Bike Station. Most cyclists agree that the hard-to-access, time-consuming and expensive bike station is a poor alternative to simplicity and convenience of Toronto’s iconic post-and-rings.

² In its June 8 letter, the City states that the study area for the Project encompasses only the Front Street right-of-way, and that the Union Station revitalization project has already determined that there will be no bicycle parking directly in front of Union Station. It further states that “[t]he Front Street study was intended to coordinate the street treatment with Union Station plans, not the other way around.” Cycle Toronto contends that the City cannot permit one project to constrain the other in this manner, since the City is the proponent for both projects. If the City will not be providing bike parking directly in front of Union Station through its Union Station revitalization project, it should compensate by providing ample bike parking through the Front Street Project.

Lack of Bike Lanes, and Bike-Hostile Street Design

The selected design does not include bike lanes and the “pinch points” on the roadway will be dangerous for cyclists and reflects out of date urban design concepts. Cycle Toronto acknowledges the importance of accommodating pedestrians, but clearly defined bike lanes would make it easier for pedestrians to cross Front Street safely. A continuous, clearly designated bicycle lane should be provided, with a separated bike lane being the safest option for all road users.

Lack of Centrally-Located BIXI Station

In order to provide a seamless connection between transit and bicycle sharing, a BIXI station should be located directly in front of Union Station. There is no better place for a large BIXI stand than right in front of Canada’s largest transit hub, where it would signal our City’s commitment to the bicycle as a legitimate mode of transportation. A potential solution would be relocating some of the taxi bays from directly in front of Union Station to the south side of Front Street east of Bay Street and west of York Street.

CYCLE TORONTO’S ATTEMPTS TO RESOLVE ITS CONCERNS

Cycle Toronto’s Ward 28 Advocacy Group wrote to the Project Lead at the city of Toronto for this project by letter dated November 29, 2011 (copy attached), seeking a cycling-specific consultation opportunity as was provided for other stakeholders with particular commercial interests. No such consultation opportunity was ever provided.

Although the Project Team did a preliminary consultation with the Toronto Cycling Advisory Committee (TCAC) in June of 2010, that committee was disbanded on May 17, 2011 by Toronto City Council. TCAC was not an independent body from the proponent as all of the members of the Committee were appointed by Toronto City Council. Accordingly, during the process from May 17, 2011 to the date of decision to adopt the preferred concept by City Council on March 5, 2012 there was no stakeholder at the table representing the interests of cyclists. With the disbandment of TCAC the City should have had an additional stakeholder process with respect to cycling infrastructure for the Project.

Cycle Toronto and many of its members attended the public consultation meetings and sent numerous communications to the Public Works and Infrastructure Committee of Toronto City Council at its meeting of February 16, 2012 seeking improvements to cycling infrastructure in the Project.³

I wrote to the City of Toronto on May 30, 2012 outlining Cycle Toronto’s concerns and seeking to resolve its outstanding concerns with this Project with the City of Toronto, and the City replied to my letter on June 8, 2012 (copy of both letters attached).

³ See the meeting minutes at <http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getMinutesReport&meetingId=5626>.

THE CITY DID NOT CONSIDER METROLINX'S MOBILITY HUB GUIDELINES

All three of the above shortcomings were identified by Metrolinx in its comments to the City on the Project.⁴ Despite the central importance of transit to this Project,⁵ the City appears to have ignored the advice of the province's regional transit planning authority in reaching its preferred design.⁶

The City also appears to have neglected to consider (or ignored) Metrolinx's Mobility Hub Guidelines (the "Guidelines"),⁷ which apply to Union Station, as the country's busiest transportation terminal. The Guidelines state that mobility hubs are to provide "**balanced access to and from transit stations**," including:

- Creating safe and direct pedestrian and cycling routes to rapid transit stations from major destinations and regional cycling and pedestrian networks;
- Providing secure and plentiful bicycle parking at station entrances with additional cycling amenities at high volume locations; and
- Providing clearly marked and protected access for pedestrians and cyclists at station areas to minimize conflicts, particularly at passenger pick-up and drop-offs, bus facilities, and parking access points.

This Project clearly fails to accomplish any of these goals insofar as they concern cycling.

THE PROJECT DOES NOT CONFORM TO PROVINCIAL POLICY AND LEGISLATION OR THE CITY'S OFFICIAL PLAN

The Project is not consistent with the Provincial Policy Statement under the *Planning Act*, nor does it conform to the Growth Plan for the Greater Golden Horseshoe under the *Places to Grow Act* or the City of Toronto Official Plan.

⁴ See letter from Metrolinx to the City Clerk dated February 29, 2012 (attached), which Cycle Toronto fully supports.

⁵ The Environmental Study Report recognises that: "Every business day, Union Station and the Union Station Bus Terminal serve more than 165,000 GO Transit passengers. With the planned expansions to Union Station, this passenger demand is expected to significantly increase over the next 20 years." (Executive Summary, p. vii.)

⁶ Although Metrolinx's comments were submitted after the City's public comment deadline (which was only 11 days after the second public information session), Metrolinx's letter was before City Council when it approved the Project during its March 5, 2012 meeting.

⁷ See http://www.metrolinx.com/en/projectsandprograms/mobilityhubs/mobility_hub_guidelines.aspx. The guidelines were issued in September 2011, and the City was made aware of them through the comment submitted by the Ward 28 advocacy group of Cycle Toronto on November 29, 2011.

The Provincial Policy Statement

The Provincial Policy Statement (2005) calls for planning that meets the need of cyclists, and the promotion of energy-efficient, multi-modal transportation systems:

1.5.1 Healthy, active communities should be promoted by ... a. planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;

1.6.5.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.7.1 Long-term economic prosperity should be supported by: ... d. providing for an efficient, cost-effective, reliable multi-modal transportation system...;

The Project fails to plan public streets and spaces in a way that meets the needs of cyclists. By prioritizing vehicular drop-off and pick-up over cycling access, it does not promote energy-efficient transport. The Project seems to ignore cycling as a mode of transportation.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2006 also supports our client's position:

3.2.2 Transportation - General

1. *The transportation system within the GGH will be planned and managed to -*
 - a) *provide connectivity among transportation modes for moving people and for moving goods*
 - b) *offer a balance of transportation choices that reduces reliance upon any single mode and promotes transit, cycling and walking*
 - c) *be sustainable, by encouraging the most financially and environmentally appropriate mode for trip-making*
 - d) *offer multi-modal access to jobs, housing, schools, cultural and recreational opportunities, and goods and services*
 - e) *provide for the safety of system users.*

...

3. *In planning for the development, optimization, and/or expansion of new or existing transportation corridors, the Ministers of Infrastructure and Transportation, other Ministers of the Crown, other public agencies and municipalities will -*

...

- b) *support opportunities for multi-modal use where feasible...*

...

- d) *consider separation of modes within corridors, where appropriate*

...

3.2.3 Moving People

3. *Municipalities will ensure that pedestrian and bicycle networks are integrated into transportation planning to -*
 - a) *provide safe, comfortable travel for pedestrians and bicyclists within existing communities and new development*
 - b) *provide linkages between intensification areas, adjacent neighbourhoods, and transit stations, including dedicated lane space for bicyclists on the major street network where feasible.*

The Project provides insufficient connectivity between cycling and public transportation. It fails to balance modes of transport by providing little cycling infrastructure and access. It fails to prioritize cycling, despite it being an environmentally sustainable mode of transport. With its bike-hostile road design, the Project does not adequately provide for the safety of cyclists. It fails to treat cycling as a legitimate mode of transport, and it did not separate cyclists from vehicular traffic or create dedicated lane space for cyclists.

City of Toronto Official Plan

Cycling is an important part of the City of Toronto Official Plan. Cycling is most directly addressed in section 2.4 entitled *Bringing the City Together: A Progressive Agenda of Transportation Change*. This section also includes references to the Toronto Bike Plan. The Policies promoted under section 2.4 of the Official Plan include:

1. *Travel demand management (TDM) measures will be introduced to reduce car dependency and rush-hour congestion by: (a) increasing the proportion of trips made by transit, walking and cycling; ...*
7. *Policies, programs and infrastructure will be introduced to create a safe, comfortable and bicycle-friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including:*
 - a) *an expanded bikeway network;*
 - b) *provision of bicycle parking facilities in new developments;*
 - c) *provision of adequate and secure bicycle parking at rapid transit stations; and*
 - d) *measures to improve the safety of cyclists through the design and operation of streets and through education and promotion programs.*
14. *Existing transportation terminals will be retrofitted for inter-modal connections when redevelopment occurs*

The Project runs contrary to the City of Toronto Official Plan by doing nothing to increase the proportion of trip taken by bicycle, failing to provide adequate and secure bicycle parking, and by not improving cyclist safety in the preferred design.

THE PROJECT DID NOT TREAT CYCLING AS A MODE OF TRANSPORTATION

Cycling is a mode of transportation acknowledged by the Provincial Policy Statement, the Greater Golden Horseshoe Growth Plan and the City of Toronto Official Plan.

The totality of the Environmental Study Report (ESR) suggests that the design team did not consider cycling to be a legitimate mode of transportation. The transportation assessment in Appendix F devotes a mere two paragraphs to cycling, simply stating that “[a]t present there are minor bicycle volumes”.⁸ There is little or no discussion of how to facilitate the switch between cycling and other modes of transportation at Union Station.

Instead, the preferred design makes bicycle use at Union Station more difficult than pre-construction conditions. Bicycle parking that was previously located immediately to the east of the front door of Union Station will be completely removed and no bicycle parking will be provided at all south of Front Street. This makes accessing Union Station by bicycle less convenient than by motorized transport options such as taxis, private automobiles or buses. The preferred design would also place the BIXI station further from Union Station than before, and the road design is even less safe for cyclists than the previous road design.

Bicycles Parking Was Assumed to be “Clutter”

Various study documents mention the need to reduce the “clutter” in front of Union Station, and imply this clutter includes bicycle parking.⁹

The ESR seems to assume that the only place where bicycle parking could be located is in “pedestrian space”, thus making a predetermination of the space that is to be allocated to vehicles and pedestrians. No consideration was given to the potential for bicycle parking to occupy space allocated to vehicles in the road allowance.

The study did not conduct any objective analysis of what threshold of bicycle parking would constitute clutter in front of Union Station. Instead, it appears that it was assumed that bicycle parking would constitute clutter without any public consultation or study. Notably, the aesthetics of motor vehicles parked and stopped in front of Union Station have no such pejorative adjectives applied to them.

⁸ http://www.toronto.ca/involved/projects/frontunion/pdf/front_st_esr_appendix_f.pdf at p. 25.

⁹ See #15 on p. 4 of Q&A document

(http://www.toronto.ca/involved/projects/frontunion/pdf/2012-02-09_front-st-union-qna.pdf); section 3.2.2 of the ESR

(http://www.toronto.ca/involved/projects/frontunion/pdf/front_st_esr_sections_1-3.pdf); and point 9 on p. 16 of the Public Consultation Report

(http://www.toronto.ca/involved/projects/frontunion/pdf/front_st_esr_appendix_a_no_pic_mat.pdf).

CYCLE TORONTO'S REQUEST

For all the reasons stated above, it would be inconsistent with the purpose and intent of the *Environmental Assessment Act* to carry out the Project as it is currently envisioned. Given the scale and importance of the Project, the City's failure to provide adequate cycling infrastructure can be expected to cause significant environmental and public health impacts, and has already given rise serious public concern.

In addition to a Part II Order, we are also requesting that mediation be directed under the auspices of ministry staff to see if the Project can be improved and thereby brought into compliance with provincial policy and the Metrolinx Guidelines. We would request that Metrolinx be part of this mediation process, given the concerns they have expressed in their correspondence to the City of Toronto of February 29, 2012.

In the alternative to a Part II Order, our client requests that the Project only be approved with conditions that would ensure that the deficiencies described in this letter are meaningfully addressed. Our client would be pleased to provide its input in developing such conditions, and we would strongly suggest soliciting input from Metrolinx.

Should you require any further information or grounds for this request please contact the undersigned.

Kindly acknowledge receipt of this correspondence.

Yours very truly,



A. Milliken Heisey
AMH/cmb

cc: Cycle Toronto
Jason Diceman, Public Consultation Unit, City of Toronto (jdicema@toronto.ca)
Councillor Pam McConnell Ward 28 (Councillor_mcconnell@toronto.ca)
Councillor Adam Vaughan Ward 20 (Councillor_vaughan@toronto.ca)
Public Works and infrastructure Committee City of Toronto (pwic@toronto.ca)
Councillor Minnan-Wong, Chair PWIC (Councillor_minnan-wong@toronto.ca)
Metrolinx
Karen Stintz, Chair Toronto Transit Commission

Encl.: Letter from Metrolinx to the City Clerk dated February 29, 2012
Letter from Toronto Cyclists Union – Ward 28 Advocacy Group to the City, dated November 29, 2011
Letter from A. Heisey to the City, dated May 30, 2012
Letter from City to A. Heisey, dated June 8, 2012

