

Ontario Bill 212 As Passed November 25, 2024

Part XII.1 is added to the Highway Traffic Act respecting bicycle lanes. Under the new Part,

(a) municipalities are required, in certain circumstances, to obtain the Minister’s approval before constructing bicycle lanes or to provide the Minister with information relating to existing bicycle lanes;

(b) the Minister is required to remove specific bicycle lanes in the City of Toronto; and

(c) the Lieutenant Governor in Council may order the removal of other bicycle lanes in certain circumstances.

Other provisions address various matters relating to the removal of bicycle lanes, including the powers of the Minister or a person acting on the Minister’s behalf in removing such lanes, municipalities’ obligation to provide to support or information, the reimbursement of municipalities for certain costs, and the immunity from liability of the Crown, municipalities and other persons.

PART XII.1 BICYCLE LANES

Definitions

195.2 In this Part,

“adjacent infrastructure” includes sidewalks, planters, curbs and traffic calming features; (“infrastructure adjacente”)

“bicycle lane” includes any portion of a highway, the use of which is wholly or partially restricted or dedicated to bicycles; (“voie cyclable”)

“bicycle traffic control signal” has the same meaning as in section 133; (“signalisation de la circulation pour bicyclettes”)

“related features” includes bollards, bicycle traffic control signals and painted roadway markings. (“éléments connexes”)

Minister approval for bicycle lanes required

195.3 (1) In the circumstances described in subsection (2), a prescribed municipality does not have the power to construct, install or mark a bicycle lane on a highway or part of a highway under its jurisdiction and control unless the design for the bicycle lane has been approved by the Minister and, in considering whether to give such approval, the Minister may require information from the municipality including traffic information relating to the design for the bicycle lane and the highway.

Application

(2) Subsection (1) applies if the design for the bicycle lane would reduce the number of marked lanes available for travel by motor vehicle traffic along any portion of or on either side of the highway where the bicycle lane is to be located.

Same, transition

(3) Subsection (1) does not apply to a municipality in respect of a bicycle lane if, on the day the municipality is prescribed for the purposes of subsection (1), a contract has already been awarded

or entered into for the construction, installation or marking of the bicycle lane or, if the construction, installation or marking of the bicycle lane is to be done by the municipality and not by any party under contract, such work has already commenced.

Consideration of bicycle lane

(4) In considering whether to approve the design for a bicycle lane, the Minister may consider whether the lane would unduly diminish the orderly movement of motor vehicle traffic.

Review of bicycle lanes

Municipality to provide information

195.4 (1) In the circumstances described in subsection (2), the Minister may require a prescribed municipality to provide traffic information relating to an existing bicycle lane on a highway under its jurisdiction and control, including a bicycle lane referred to in section 195.6, and the municipality shall comply with the request.

Application

(2) Subsection (1) applies if the addition of the bicycle lane reduced the number of marked lanes available for travel by motor vehicle traffic along any portion of or on either side of the highway where the bicycle lane is located.

Review of bicycle lane

(3) If any factors are prescribed for the purposes of this section, the Minister shall consider the factors in reviewing the traffic information relating to a bicycle lane that is provided under subsection (1).

Direction to remove lane

195.5 (1) After reviewing the information provided under subsection 195.4 (1), the Minister may inform the Lieutenant Governor in Council of the results of the review and the Lieutenant Governor in Council may issue an order directing the Minister to remove the bicycle lane or part of the lane and any related features or adjacent infrastructure and,

(a) restore the lane or part of the lane for use by motor vehicle traffic; or

(b) reconfigure the lane or part of the lane and any related features or adjacent infrastructure for use by motor vehicle traffic.

Amendment or revocation of order

(2) The Lieutenant Governor in Council may, by order, amend or revoke an order issued under subsection (1).

Effect of any Act, regulation, etc.

(3) The Lieutenant Governor in Council may issue an order under this section despite any Act, regulation, by-law, order, permit, approval or licence.

Order not regulation

(4) Part III (Regulations) of the Legislation Act, 2006 does not apply to an order issued under this section.

Existing lanes in the City of Toronto, direction to remove

195.6 Subject to any prescribed exemptions or modifications, the Minister shall remove the bicycle lanes located on Bloor Street, University Avenue and Yonge Street, in the City of Toronto, and any related features, and restore the lanes for use by motor vehicle traffic.

Removal of lanes

Minister authority

195.7 (1) If the Minister is subject to an order issued under section 195.5, the Minister or a person acting on behalf of the Minister is authorized to do anything required to carry out the order.

Same, City of Toronto

(2) The Minister or a person acting on behalf of the Minister is authorized to do anything required to carry out the Minister's duties under section 195.6.

Removing and restricting common law right of passage

(3) For greater clarity, subsections (1) and (2) authorize the Minister or a person acting on behalf of the Minister to close that part of a highway affected by an order issued under section 195.5 or by section 195.6 and to remove or restrict the common law right of passage by the public over that part of the highway and the common law right of access to that part of the highway by an owner of land abutting a highway.

Minister powers

(4) No Act, regulation, by-law, order, permit, approval or licence bars the Minister or a person acting on behalf of the Minister from carrying out an order issued under section 195.5 or the Minister's duties under section 195.6.

Powers re entry, etc.

(5) For the purpose of carrying out an order issued under section 195.5 or the Minister's duties under section 195.6, the Minister or a person acting on behalf of the Minister may,

(a) enter any place, other than a place being used as a dwelling; and

(b) construct structures and use machinery, structures, materials and equipment therein or thereon.

Municipality required to provide support or information

195.8 (1) If, pursuant to an order issued under section 195.5 or to section 195.6, the Minister is required to do anything described in those sections, the affected municipality shall

provide any support or information requested by the Minister to facilitate carrying out the order or the Minister's duties, including,

(a) managing traffic, public transit or emergency services;

(b) providing technical information, health and safety information, standards, public consultation information, planning and design documents, surveys or engineering and utility location drawings; and

(c) providing information related to signs, markings, traffic control signal systems and lighting, including assistance with their removal or relocation.

Time period

(2) If the Minister requests support or information from a municipality under subsection (1), the municipality shall provide such support or information by the date and for the time period specified by the Minister.

Municipal by-laws

(3) If a bicycle lane is removed or reconfigured pursuant to an order issued under section 195.5 or to section 195.6, any municipal by-law or part of a municipal by-law passed by the council of a municipality designating that part of the highway as a bicycle lane is inoperative.

Reimbursement

195.9 (1) If the Minister requested support or information from a municipality under subsection 195.8 (1) and the municipality

provided such support or information by the date and for the time period specified by the Minister, the Minister may reimburse the municipality for the reasonable costs it incurred in doing so in accordance with this section.

No reimbursement or compensation

(2) For greater certainty, the Minister is not required to reimburse or compensate the municipality for any costs other than those described in subsection (1), including costs the municipality incurred to install the bicycle lanes.

Notice to municipality

(3) If the Minister requested support or information from a municipality under subsection 195.8 (1), the Minister shall, within 60 days after the request has been satisfied, give notice to the municipality stating that it may file a claim for reimbursement with the Ministry within six months after the date of the notice.

Particulars

(4) As part of claim described in subsection (3), the municipality shall provide the Minister with a true statement showing the particulars of the costs it reasonably incurred to carry out the request made under subsection 195.8 (1) by the date and for the time period specified by the Minister.

No reimbursement

(5) There is no obligation to reimburse the municipality for any costs if notice has been given under subsection (3) and a claim

for reimbursement is not made within six months after the date of the notice.

Determination

(6) The Minister shall review a claim for reimbursement and if the Minister determines that the costs were reasonably incurred by the municipality to carry out the request by the date and for the time period specified by the Minister, the Minister shall reimburse the municipality for those costs.

No cause of action against Crown, etc.

195.10 (1) No cause of action arises against the Crown, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown as a direct or indirect result of,

(a) the enactment, amendment or repeal of this Part;

(b) the issuance, amendment or revocation of an approval under section 195.3 or the refusal to issue or amend such an approval;

(c) the issuance of an order under section 195.5 or its amendment or revocation;

(d) anything done under this Part including in relation to,

(i) the removal of a bicycle lane or part of a lane and any related features or adjacent infrastructure,

(ii) the restoration of a bicycle lane or part of a lane for use by motor vehicle traffic,

(iii) the reconfiguration of a bicycle lane or part of a lane and any related features or adjacent infrastructure for use by motor vehicle traffic; or

(e) the making, amendment or revocation of a regulation under section 195.18.

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1), may be brought or maintained against the Crown or any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Retrospective effect

(4) Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day the Reducing Gridlock, Saving You Time Act, 2024 received Royal Assent.

Proceedings set aside

(5) No costs shall be awarded against any person in respect of a proceeding referred to in subsection (2) or (3) that was commenced before the day the Reducing Gridlock, Saving You Time Act, 2024 received Royal Assent.

Certain proceedings not prevented

(6) This section does not apply with respect to proceedings brought by the Crown against any person.

Proceedings barred, independent contractors

195.11 (1) Subject to subsection (4), no cause of action arises and no proceeding may be brought or maintained that is directly or indirectly based on or related to anything referred to in subsection (2) against any person referred to in that subsection, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute.

Same

(2) Subsection (1) applies in respect of an independent contractor and any current or former employee, director or officer of an independent contractor providing services to the Crown to assist with work done under sections 195.5 to 195.7.

Application

(3) Subject to subsection (4), subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Negligence

(4) Subsection (1) does not apply to a claim of negligence in respect of an act or omission of an independent contractor in carrying out,

(a) the removal of a bicycle lane or part of a lane and any related features or adjacent infrastructure;

(b) the restoration of a bicycle lane or part of a lane for use by motor vehicle traffic; or

(c) the reconfiguration of a bicycle lane or part of a lane and any related features or adjacent infrastructure for use by motor vehicle traffic.

Same

(5) For greater certainty, claims arising from collisions between motor vehicles, cyclists or pedestrians after the independent contractor carries out the things mentioned in subsection (4) are not claims of negligence described in that subsection.

Certain proceedings not prevented

(6) This section does not apply with respect to proceedings brought by the Crown against any person.

Protection from personal liability, independent contractors

195.12 (1) No cause of action arises and no proceeding may be brought or maintained against any current or former employee, director or officer of an independent contractor providing services to the Crown to assist with work done under sections 195.5 to 195.7 for any act done in good faith in the execution or intended execution of any duty or power under this Part or for any alleged neglect or default in the execution in good faith of such a duty or power.

Same

(2) Subsection (1) does not relieve an independent contractor providing services to the Crown to assist with work done under sections 195.5 to 195.7 of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in that subsection.

Protection from liability, municipalities

195.13 (1) No cause of action arises and no proceeding may be brought or maintained against a municipality, current or former employee of a municipality or member of council for any act done in good faith in the execution or intended execution of any duty under subsection 195.8 (1) or for any alleged neglect or default in the execution in good faith of such a duty.

Certain proceedings not prevented

(2) This section does not apply with respect to proceedings brought by the Crown against any person.

No reimbursement, compensation or damages

195.14 Except as otherwise provided under section 195.9 or subsection 195.11 (4) or 195.12 (2), no person is entitled to any reimbursement, compensation or damages for any loss related to any actions taken under this Part.

No expropriation or injurious affection

195.15 Nothing described in this Part or done pursuant to this Part constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law.

s. 214

195.16 Section 214 does not apply to a contravention of this Part or of a regulation made under this Part.

Other Acts

Municipal Act, 2001 and City of Toronto Act, 2006

195.17 (1) The requirements of this Part apply despite sections 10 and 11 of the Municipal Act, 2001 and section 8 of the City of Toronto Act, 2006.

Environmental Assessment Act

(2) Any enterprise or activity or proposal, plan or program in respect of an enterprise or activity that is required by, done under or authorized under this Part is exempt from the Environmental Assessment Act.

Environmental Bill of Rights, 1993

(3) The requirements of Part II of the Environmental Bill of Rights Act, 1993 are deemed not to have applied with respect to the amendments made by Schedule 4 of the Reducing Gridlock, Saving You Time Act, 2024 that added sections 195.4 to 195.18 of this Act.

Regulations

Minister regulations

195.18 (1) The Minister may make regulations,

(a) prescribing municipalities for the purposes of subsections 195.3 (1) and 195.4 (1);

(b) governing the information that may be required by the Minister under subsections 195.3 (1) and 195.4 (1);

(c) exempting any highway or class of highway from section 195.3 or any provision of section 195.3, or providing that section 195.3 or any provision of it does not apply to any highway or class of highway.

Lieutenant Governor in Council regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) governing the review of information respecting bicycle lanes under section 195.4 including prescribing factors applicable to the review;

(b) exempting parts of bicycle lanes for the purposes of section 195.6;

(c) modifying the requirement to remove bicycle lanes described in section 195.6, including requiring the Minister to reconfigure a bicycle lane or part of a lane and any related features or adjacent infrastructure for use by motor vehicle traffic;

(d) providing for anything necessary or advisable for carrying out the intent and purposes of this Part.

Repeal

5 Section 3 of Schedule 2 to the Get It Done Act, 2024 is repealed.

Commencement

~~6 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the Reducing Gridlock, Saving You Time Act, 2024 receives Royal Assent.~~

~~(2) Sections 1 to 4 come into force on a day to be named by proclamation of the Lieutenant Governor.~~

Commencement

6 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the Reducing Gridlock, Saving You Time Act, 2024 receives Royal Assent.

(2) Sections 1 and 2 come into force on a day to be named by proclamation of the Lieutenant Governor.