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Environmental Law
Research Foundation

MUNICIPALITIES CAN ACT
NOW
TO CONTROL
THE URBAN AUTOMOBILE

A Paper Prepared for
the International Conference
on Automobile Pollution

Toronto, Ontario

June 26-28, 1972

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In an unrarefied atmosphere of carbon monoxide city dwellers and municipal politicians are becoming dismayed about the very existence of the urban automobile. It has a strangle hold on large cities that threatens to throttle the vitality of any urban centre - clogging it with metal dinosaurs and burying it under miles of asphalt and concrete.

All conscientious municipal officials are aware of a multitude of schemes and suggestions to restrict the harmful effects the automobile has on our urban environment. But almost in unison they cry out, "We lack the legal tools necessary to decide how municipal transportation systems work." This paper is intended to show how a little municipal imagination can go a long way in refuting this fictitious legal impotence. Cities and municipalities, at least in Ontario, can take many measures to limit the deleterious effects of automobiles by making them only one aspect of an integrated transportation system.

Assuming we have decided we want to (a) decrease or eliminate the detrimental effects of cars and trucks, (b) make urban cores more pleasant, there are many things Metropolitan Toronto - or any other city in Ontario - can do right now legally and without going on bended knees to Ottawa or Queen's Park.

It is important to keep in mind the two distinct ingredients of the automobile problem:

- (1) The need to decrease the air and noise contaminants emitted by each individual vehicle;
- (2) The need to restrict or control the use of automobiles even when they do not cause air or noise pollution.

Anyone who has experienced severe traffic jams must understand the threat that the automobile imposes on the life of a city when it is clogged with these metal monsters.

Parking

The regulating of parking facilities available in the downtown area will have an obvious effect on the volume of vehicles coming into it. These facilities may be controlled by any municipality or city. The power to control private parking facilities is found in the Municipal Act, section 354(1) para. 131.

By making it too uncomfortable or too expensive or inconvenient to drive downtown, people will use other means. One way to make it too expensive

or inconvenient is by regulating (curtailing) parking. Another way is to regulate or ban service stations downtown.

Special Lanes

At the same time it is important to provide fast and convenient rapid transit in order to give people a convincing alternative to the automobile. One immediately effective way of doing this is by using special highway lanes reserved exclusively for public transit vehicles (i.e., buses). The cities can do this under their power to regulate traffic on city roads (Municipal Act, section 354(1) para. 107, section 386(3)). This is now being tried by Metro Toronto, which took the extremely cautious position of first amending the Municipality of Metropolitan Toronto Act.

Encourage use of small cars.

Municipal councils could pass by-laws providing for service stations for small cars only. This is possible by virtue of the Municipal Act, section 354(1) para. 132. Special parking spaces can be designated for smaller cars. Smaller cars may also be encouraged by giving them lower parking rates than those charged for larger vehicles (Municipal Act, section 352, para. 72).

Toll booths

The San Francisco scheme of setting up toll booths and charging a fee for bringing your vehicle into the city - the fee being inversely proportional to the number of passengers in the vehicle so as to encourage such things as car pools, might be legally possible under a municipality's authority to regulate traffic on the highway. For cities such as Toronto, however, the scheme presents some practical difficulties because of the numerous routes.

So far, our concern has been directed towards restricting the car as a means of transportation. Yet, until the day of the messiah nobody can honestly foresee its becoming an extinct species. However, municipalities do have the power to make the automobile less predatory, by trying to decrease the related noise and air pollution.

Air Pollution Emission Checks

Section 55 of the Highway Traffic Act, a provincial statute, permits a constable to require the "driver of any motor vehicle to submit such motor vehicle . . . to such examination and tests as the constable or officer may consider expedient". "Constable" includes, of course, Metro or Municipal Police officers. What standards may the police enforce?

A municipal government does not have the authority to enact its own emission level standards. Flagrant incidents of air pollution - and these are probably more common than one suspects - fall within the Highway Traffic Act (section 49). More stringent enforcement is possible with model years commencing in 1969 for automobiles and 1970 for trucks through regulations under the Environmental Protection Act. These regulations set out specific emission standards that may not be exceeded, it being an offence to do so.

Noise Checks

As with excessive fumes and smoke, a police officer may enforce the noise provisions for motor vehicles set out in the Highway Traffic Act, which prohibits vehicle muffler systems that cause "excessive or unusual noise". Municipal noise by-laws may also be enforced by police checks. For example, the City of Toronto has a by-law prohibiting "unnecessary" noise. The by-law defines "unnecessary" to include:

"The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle . . . or other vehicle of whatever kind, except when required by law.

"The grating, grinding, or rattling noise or sound caused by a condition of disrepair or maladjustment or any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.

"The discharge into the open air of the exhaust of any . . . motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises."

These checks could be carried out either continuously or periodically with dated stickers issued for vehicles which pass the requirements.

Anti-Idling By-Laws

Municipalities may pass anti-idling by-laws making it an offence to leave a vehicle engine running for more than a specific period of time - especially in the summer. Municipal authority for this and similar by-laws stems from the power to regulate "traffic on the highways" (Municipal Act section 354(1) para. 107).

Use of Propane or Natural Gas

Propane and natural gas are much cleaner burning than gasoline, and even economically more viable than gasoline. Municipalities have the authority to convert their own vehicles to propane or natural gas (i.e., road maintenance vehicles, garbage trucks, snow removal trucks etc.). Other vehicles such as public transit buses, police vehicles, and taxi cabs might also be converted. (In this latter example the licensing power to control taxi cabs might be used by simply making it an obvious economic advantage to convert.)

A municipality does not have the power to license or otherwise directly require non-commercial vehicles or commercial vehicles not falling within a special licensing provision of the Municipal Act to convert to propane or natural gas.

Vehicles returning daily to a central garage could make the conversion immediately (in fact, some privately owned garbage trucks have done so in Toronto). It is less practical right now for individual privately owned vehicles.

But municipalities could confront the problem directly by passing by-laws under the Municipal Act, section 354(1) para. 132 "for licensing, regulating and governing the owners or keepers of automobile service stations",

requiring service stations to supply propane and natural gas for public sale.

Finally, municipalities can act in a general sense to make urban cores more pleasant places for people. Cities should place environment controls on all their projects and contracts. They can also require environmental impact statements for all city projects. Zoning requirements might also be calculated with more thought and concern for environmental ramifications and restrictions - always keeping in mind the effect of the automobile on the neighborhood when considering transportation requirements.

City administrations might use their influence and expertise to co-ordinate staggered working hours. By-laws regulating commercial opening and closing hours could also be effectively employed in this scheme.

Stopping up streets to create pedestrian malls is possible by municipal by-law (Municipal Act, section 443).. However, the number of legal problems that arise from the use of this section and section 444 probably make it more practical to obtain special legislation. Restricting rather than closing highways, in favour of bicycle or foot paths, does not present the same legal pitfalls (Municipal Act, section 453(4)).

All in all, municipal governments sincerely concerned with improving the quality of their urban cores can do a lot right now. The legal tools exist for imaginative schemes - it's up to the municipal governments to use them.