



City of  
**Peterborough**

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**To: Members of the General Committee**

**From: Jen McFarlane, Commissioner, Municipal Operations (Acting)**

**Meeting Date: August 6, 2024**

**Report: Proposed Peterborough Transit By-law, Report Number  
MOTR24-003**

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## **Subject**

A report to repeal and replace the Public Bus Transportation System By-law 1978-168 to align with the current needs of the City's Transportation system to offer accessible public transportation in a safe and consistent manner for both Staff and the general public and authorize the operation of the City's Transportation system beyond the City's geographic borders.

## **Recommendations**

That Council approve the recommendations outlined in Report MOTR24-003, dated August 6, 2024, of the Commissioner, Municipal Operations (Acting) as follows:

- a) That By-law 1978-168 as shown as Appendix A to Report MOTR24-003 be repealed; and
- b) That the proposed By-law as shown as Appendix B be approved.

## **Executive Summary**

The City would benefit from updating the existing Public Bus Transportation System By-law. The proposed changes would modernize the Transportation By-law which has not been updated since 1978.

## Background

The current Public Bus Transportation System By-law 1978-168 is outdated and warrants replacement. The proposed Peterborough Transit By-law will replace By-law 1978-168 and will continue to have the City provide accessible public transportation in a safe and consistent manner for both Staff and the general public.

The existing By-law refers to the schedule each day of the week exclusive of Sunday at half hour frequency between 6:15 a.m. to 6:15 p.m. and does not authorize transit outside of the City's geographic boundaries. The schedules set out in the existing By-law have not been followed in decades. The existing By-law is overly prescriptive with specific routes set out therein rather than enabling changes based on the development of the City over time. The existing By-law also references the fare structure and authorization to the City Administrator to authorize unscheduled charters. It would be more appropriate to delete and replace the existing By-law with a modern By-law rather than to amend it.

This new By-law would provide the following:

- Provide Peterborough Transit the authorization to operate Inter-City Transit. The proposed new Peterborough Transit By-law would provide the requisite clear authority to operate transit outside the City of Peterborough in accordance with s.69(7) of the Municipal Act, 2001. The Ministry of Transportation previously required municipalities to apply to be able to provide service outside of City boundaries. This requirement was removed in 2021, allowing municipalities to provide this service so long as Peterborough Transit is otherwise in compliance with applicable local law.
- Allow the Commissioner and Director, to make such decisions, subject to Council direction, relating to Peterborough Transit's operations that best serve the needs of the City in delivering an effective transit service. This includes the establishment and implementation of rules of conduct, and schedules. In addition, the new By-law would be written to grant the Municipal Operations Commissioner or Transit Director authority to make changes to routes as required.
- Peterborough Transit will have exclusive rights for operating a paid busing service within the City's boundaries. It would not apply to Inter-City bus carriers (e.g. GO Transit, a division of Metrolinx), buses used to transport pupils, including buses owned or operated by or for a school board, private school, or charitable organization.

## Strategic Plan

Strategic Pillar: Governance & Fiscal Sustainability

Strategic Priority: Support review/update of City's By-law to make them effective and efficient, meeting the needs of our growing City.

Report MOTR24-003 proposes that By-law 1978-168 be repealed and replaced to ensure effectiveness and efficiency to meet the needs of our growing City.

Strategic Pillar: Community & Wellbeing

Strategic Priority: Encourage our neighbourhoods to be safe, diverse, accessible and affordable across all ages, incomes and abilities.

Support opportunities for multi-modal transportation including walking, cycling and Transit Services.

Ensure City's Transit system/network supports effective movement of people, which is cost effective, efficient and works for all.

Report MOTR24-003 will help create safe, inclusive and accessible neighbourhoods for all ages, incomes and abilities; will provide an option for multi-modal transportation that will meet the current and future needs of our City and will ensure the City's Transit system/network can support effective movement of people which is cost effective, efficient and works for all by establishing a By-law that is user friendly and allows the City to offer the best possible service.

## Budget and Financial Implications

There are no budgetary or financial implications to the approval of this report, the proposed amendments can be delivered through approved operating budgets.

## Conclusion

The current Public Bus Transportation By-law is outdated. The proposed Peterborough Transit By-law will allow the City to offer safe and accessible transit.

## Attachments

Appendix A: [Public Bus Transportation System By-law 1978-168](#)

Appendix B: Draft Proposed Peterborough Transit By-law

Submitted by,

Jen McFarlane, B.Sc. R.Kin, CDMP  
Commissioner, Municipal Operations (Acting)

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## Appendix B



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### The Corporation of the City of Peterborough

#### By-Law Number [Clerk's Office to assign number]

Being a by-law to establish a Transit System.

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#### Recitals

1. Section 69(2) of the Municipal Act authorizes municipalities to establish, operate and maintain an exclusive type of passenger transportation system within all of the municipality or such area of the municipality designated by By-law.
2. Section 69(7) of the Municipal Act authorizes a municipality with a bus passenger system to operate outside that municipalities boundary in connecting points within the municipality and any point outside of the municipality.
3. Schedule B of By-law 21-071 regulates the licensing of vehicles for hire having a seating capacity of not more than nine (9) individuals, exclusive of the driver Council.
4. By-law 1978-168 established an exclusive public bus transportation system within the City, with such by-law having not been amended since 1978.
5. It is Council's desire to update and modernize the By-law authorizing an exclusive public bus transportation system and to authorize the operation of such bus transportation system outside of the territorial jurisdiction of the City.

**Now therefore**, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

**Short Title**

1. This By-Law may be referred to as the “Peterborough Transit By-law”.

**Interpretation**

2. Unless otherwise stated:
  - a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from time to time;
  - b) a reference to a by-law refers to a by-law of the City as it may be amended or replaced from time to time; and
  - c) a reference to a section, paragraph, clause or schedule is a reference to this By-law’s section, paragraph, clause or schedule.
3. The table of contents and headings in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
5. In the event of any inconsistency between a provision of this By-law and of any other City by-law, the provision that, in the opinion of the City Clerk, more restrictively regulates prevails to the extent of the inconsistency.
6. The requirements of each schedule to this By-law are in addition to the requirements of the body of this By-law.
7. This By-law applies within the territorial limits of the City and provides authorization for operation of a public transportation system connecting to points outside of the territorial limits of the City, such operation being subject to the applicable law in such extra-territorial operations.
8. This By-Law does not apply to the GO Transit, a division of Metrolinx, or to buses used to transport pupils, including buses owned or operated by or for a school board, private school, or charitable organization.
9. In this By-law:
  - a) “Bus” means a motor vehicle as defined in the Highway Traffic Act having a seating capacity of greater than nine (9) individuals, exclusive of the driver, that is used to offer, facilitate or provide transportation of one or more individuals for a Fare.
  - b) “By-law” means this By-law including its schedules.
  - c) “City” means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.

- d) “City Clerk” means the City’s Clerk and includes the City’s Deputy City Clerk.
- e) “Commissioner” means the City’s Commissioner of Municipal Operations.
- f) “Council” means the City’s Council.
- g) “Director” means the Director of Transit Services.
- i) “Fare” means the total consideration to be given or paid for a Trip, without limitation including the fares set out from time to time in the City’s User Fee By-Law.
- h) “Inter-City Transit” means the operation of a Bus to convey passengers from within the territorial limits of the City to any point outside the territorial limits of the City and vice versa.
- i) “Intra-City Transit” means the operation of a Bus to convey passengers from any point within the territorial limits of the City to any other point within the territorial limits of the City.
- j) “Passenger” means each individual in a Bus other than the Driver.
- k) “Person” includes an individual, corporation or partnership.
- l) “Trip” means the route, distance and time travelled from the time and location at which a Passenger enters the Bus until the time that the Passenger exits the Bus at the final destination.

### **Establishment of Transit Authority**

- 10. The City will operate and maintain Intra-City Transit.
- 11. No Person other than the City may operate an Intra-City Transit.
- 12. The City may operate Inter-City Transit.
- 13. Each of the Commissioner and Director may, subject to direction from Council, make such decisions relating to Peterborough Transit’s operations of the Intra-City Transit and Inter-City Transit as in their opinion best serves the needs of the City in delivering an effective Bus service. This authority includes the establishment and implementation of rules of conduct, and schedules. It is Council’s opinion that the powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

### **Administrative Penalties**

- 14. AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.

15. Each person that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
- a) \$1,000.00 for the remainder of the first day on which the contravention occurs; and
  - b) \$1,000.00 for each subsequent day on which the contravention continues.

### **Offences**

16. Each Person that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine for each day or part of a day on which the offence occurs or continues of:
- a) not less than \$1,000 and not more than \$10,000 for a first conviction of an offence;
  - b) not less than \$2,000 and not more than \$25,000 for a second conviction of the same offence; and
  - c) not less than \$5,000 and not more than \$50,000 for a third or subsequent conviction of the same offence.
17. A Person is not guilty of an offence for which a penalty notice has been issued pursuant to sections 15 or 16.

### **General**

18. No proceeding for damages or otherwise may be commenced against the City, a member of Council, or an officer, employee or agent of the City or a Person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.
19. This By-law is in effect when it is passed.
20. That by-law 1978-168 is hereby repealed.

By-law passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

(Sgd.) Jeff Leal, Mayor

(Sgd.) John Kennedy, City Clerk