

October 09, 2018

Law Amendments Committee

Submission re Bill 80 – the Traffic Safety Act

At the moment I am out of the country and therefore unable to attend the Committee meeting in order to make a public presentation.

I also want to be clear the following comments are personal, and not on behalf of The Crosswalk Safety Society of Nova Scotia, of whom I am President. This is not because there is any difference of opinion that I am aware of but simply because of my being out of the country and the time constraints, including the long weekend I have not had the opportunity to share these views and solicit feedback from other board members. There is another joint submission with Walk 'n Roll Halifax coordinated by one of our Board Members.

I have a few points I would like to provide the Committee for your consideration.

Section 23(4): Jurisdiction for setting of speed limits

(4) Subject to subsection (5), a traffic authority, other than the Provincial Traffic Authority, may not set a speed limit greater than 80 kilometres per hour or less than 50 kilometres per hour without the approval of the Provincial Traffic Authority.

It baffles me as to why a local Traffic Authority (TA) will need the approval of the Provincial Traffic Authority to set a speed limit less than 50 kilometres per hour. I understand not granting the right for a local TA not to set a speed limit greater than 80 kilometres per hour I cannot contemplate a reason for not allowing the TA to set lower speed limits.

This strikes me as a totally unnecessary level of bureaucracy for which I have heard of no reasonable explanation. Local Traffic Authorities understand their local environment – road widths, traffic calming etc., and therefore should be best positioned to assess and set appropriate speed limits, subject to Provincial maximums. They therefore should have the authority to set lower speed limits should they believe it appropriate to do so.

With many other jurisdictions implementing lower speed limits, a factor that clearly impacts the number of seriousness of collisions / injuries and the focus on vulnerable road users it is perplexing as to why this bureaucratic provision would be retained in the Act.

I, like I expect many others, recommend the authority for setting speeds limits less than 50 kilometres per hour be granted to the local Traffic Authority.

Section 199(4): Walking on the right side of the crosswalk

(4) Where practicable, a pedestrian in a marked crosswalk shall travel on the right side of the crosswalk.

While this may appear to be an innocuous provision I fear a driver might argue that had a pedestrian been on the right rather than the left side of a crosswalk – for example a pedestrian crossing north to south where a vehicle is traveling west - there would have been additional distance to yield, with the pedestrian being responsible for the collision due to Section 199(4).

I doubt this is the intention of the Section. Actually I am at a loss to understand what the intention of the Section is, and recommend it simply be removed from the Act.

Regulations and Summary Offence Ticket (SOT) amounts

I understand a number of sections of the previous Motor Vehicle Act (Section 93, Section 125, Section 143(1) to name but a few) will now be included as Regulations rather than Sections of the Act. As well it has been reported there will be proposed changes to SOT categories.

In many cases the Regulations are as important as the Act. I have been advised by Transportation and Infrastructure Renewal staff that stakeholders will have an opportunity to provide submissions to the Regulations and SOT levels. However I note on the Legislature's Democratic Participation (<https://nslegislature.ca/get-involved/democratic-participation/presenting-to-committees>) there appears to only be a formal opportunity for the public to submit input on Bills.

It is extremely important there is an opportunity to comment on proposed Regulations, particularly with many former sections of the MVA now excluded from the TSA.

As well SOT categories – it has been reported the first offence fine for driver using a mobile devices will be proposed to be increased from \$237.50 to \$410.00. I believe an increase is appropriate but will be troubled if the SOT for the conscious use of a mobile device remains less than the often unconscious failure to yield at a crosswalk (currently \$697.50 at non-signalized crosswalks). I trust there indeed will be an opportunity for the public / stakeholders to input on these issues.

Thank you for considering my input.

Norm Collins

[REDACTED]
Dartmouth, Nova Scotia