

From: M Williams <[REDACTED]>
Sent: October 9, 2018 8:23 AM
To: Office of the Legislative Counsel
Cc: Walk 'n Roll Hfx ; Crosswalk Safety
Subject: Feedback on Traffic Safety Act

Dear Sir/Madam,

I wish to submit the following feedback in relation to the proposed Traffic Safety Act in my capacity as a concerned person involved with and familiar with issues affecting vulnerable road users. Please could you let me know if any further information is required in order to consider my feedback. Many thanks, Martyn Williams.

Feedback on proposed Traffic Safety Act

9 October 2018

1. Definition of crosswalk

In European countries including England, many crosswalks are divided for use by both pedestrians and cyclists. It would be beneficial to amend the definition so that a traffic authority may designate a defined and marked section within a crosswalk for the use of mounted cyclists, as this avoids a more treacherous crossing through the middle of an intersection. Many cyclists are more comfortable negotiating an intersection this way.

2. Definition of pedestrian

"Pedestrian" by ordinary definition refers to "a person on foot", and it would be clearer if the definition of this word did not also include people using wheelchairs and mobility scooters.

To assist road users with understanding that laws relevant to pedestrians also include mobility scooter and wheelchair users, it would be better if the explicit words "wheelchair and mobility scooter users" are stated in addition to "pedestrian" in the relevant sections, for example within the definition of "vulnerable road user".

3. Definition of "Vulnerable road user"

This definition would benefit from clearly and explicitly stating that this includes people who are using recreational apparatus, as defined within the meaning of the proposed Act, also Segway users. I believe this is intended, as it is stated to apply to anyone lawfully driving a "conveyance other than a vehicle".

4. Definition and use of "yield"

"yield" means to grant the immediate use of a highway to other users of the highway

This definition does not clearly and absolutely state the requirement to stop and give the right of way to another road user. In my personal experience as a pedestrian, "yield" is interpreted here simply as avoiding hitting a pedestrian, so I am frequently maneuvered around or passed as soon as I am not directly in front of their vehicle.

For example, within this definition, the requirement to "stop" is more obvious and less open to argument and interpretation than the requirement to yield (own emphasis added):

77 (1) A peace officer may issue an order suspending an individual's driving privilege for a period of seven days if the peace officer is satisfied that the individual

- (a) has driven a motor vehicle in contravention of Section 177;
- (b) has failed to *yield* the right of way to a pedestrian while driving a motor vehicle on a highway as required under this Act or the regulations; or
- (c) has failed to *stop* for a crossing guard as required by subsection 34(4)

To ensure it is clear that motorists should stop for pedestrians, the requirement to “yield” should be replaced by the requirement to “stop”.

5. Sections 15(2) and (3) re jurisdiction

- (2) A municipal traffic authority has the power and shall perform the duties and functions of a traffic authority for all or part of the municipality, as specified by the council for the municipality.
- (3) A municipal traffic authority has jurisdiction over all municipal highways in the municipality or part of the municipality specified by the council, excluding

In recognising and providing that the municipality has jurisdiction over all municipal highways, it should also be granted full rights to control speed limits including the minimum speed limit, also set appropriate infrastructure for use on municipal highways as it sees fit and in accordance with Transport Canada recommendations including traffic lights, road markings and traffic signs. Prescribing “one size fits all” requirements is not in the best interests of the municipality or its people and prevents progress with fast moving traffic reforms and trends.

This also applies to the requirement at section 22(2) that any traffic control device must comply with the Act. A requirement that it has been properly authorised by the Province or Municipal traffic authority would be more appropriate, and that it has been implemented in accordance with recommendations from a relevant traffic authority or organisation such as the CCTMA or Transport Canada.

6. Positioning of Crosswalk guards

At signalized intersections, two crosswalk guards are required and are used in the Halifax Municipality due to the danger from turning traffic. In this situation they place themselves on the first and third lanes markings out of four lanes. Section 34(2)(b) could be amended to reflect this situation:

34(2) *Before directing children across a roadway, a crossing guard shall*

- (b) *enter into the midway of the crosswalk while continuing to display the stop paddle; and*

7. Regulations concerning traffic control devices

The current traffic lights used in Nova Scotia are very limited and do not prevent some conflicts which cause many accidents involving vulnerable road users. For example, directional traffic lights do not turn red, only amber and green. This does not stop traffic from turning into the path of pedestrians crossing on a walk sign. Neither do we currently allow advance green lights for cyclists. Any regulations must provide flexibility to implement signals which protect vulnerable road users.

79 *The Minister may make regulations*

- (a) *respecting traffic control devices, including*

- (i) *respecting the placement of traffic control devices on a public highway,*
- (ii) *respecting the requirements with which a traffic control device must comply, and*
- (iii) *respecting the placement of commercial advertising or other information on a traffic control device;*

(g) Driving under a licence issued by another jurisdiction

8. Driving according to road conditions

Section 179 would benefit from including an explicit requirement to take account of the number or expectation of vulnerable road users sharing the road - for example a driver would be expected to drive more carefully and with greater awareness when he/she is driving along residential road or urban shopping streets.

It is suggested that this is intended by section 179(c), which could be made clearer (for the benefit of avoiding doubt) by including the words "*,for example the reasonable expectation of vulnerable road users on residential and urban roads*"

(c) the volume and nature of traffic that is or that might reasonably be expected to be on the highway;

9. Law and regulations concerning crosswalks and clearance requirements for cyclists

I cannot locate express references to the requirement to give adequate passing distance to cyclists (currently an inadequate one metre), nor the current legal requirement to give way and yield to a pedestrian the whole time he/she is on the crosswalk, unless he/she has passed a physical median. If these are to be included in subsequent regulations, I hope that groups representing vulnerable road users will be consulted first.

Martyn Williams