

ITEM	1
MANAGER'S REPORT NO.	60
COUNCIL MEETING 1983 10	11

RE: LETTER FROM MR. R.C. LUPTON, 7938 EDSON AVENUE, BURNABY, B.C. V5J 3W7
 HEDGE - SOUTH EAST CORNER PORTLAND STREET AND SUSSEX AVENUE
 (LETTER TO COUNCIL 1983 JUNE 27, ITEM 4(e))

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Engineering be adopted.

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TO: MUNICIPAL MANAGER

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FROM: DIRECTOR ENGINEERING

SUBJECT: VIEW OBSTRUCTION AT THE INTERSECTION OF
 PORTLAND STREET AND SUSSEX AVENUE

RECOMMENDATION:

1. THAT Mr. Richard C. Lupton of 7938 Edson Avenue, Burnaby, B.C., V5J 3W7, be sent a copy of this report.

REPORT:

Council at its regular meeting of 1983 June 27 heard a delegation, Mr. Richard C. Lupton, 7938 Edson Avenue, Burnaby, B.C., V5J 3W7, regarding what Mr. Lupton felt was a view obstruction created by a laurel hedge which encroaches onto the Sussex Avenue right-of-way at Portland Street.

As a result of Council's consideration respecting this matter, the following motion was adopted:

"That the matter of the traffic hazard at the intersection of Portland Street and Sussex Avenue be referred to the Traffic Safety Committee for that Committee's consideration and further report back to Council to include the legal implications respecting the Municipality's liability should an accident occur at this intersection subsequent to Council being advised of a vision clearance problem."

The Traffic Safety Committee, at its meeting held on 1983 August 16, at which time a quorum was not present, heard a delegation, Mr. Richard C. Lupton, who again expressed his concerns regarding the hazardous view obstruction created by the laurel hedge on Sussex Avenue at Portland Street which encroaches onto civic property.

As a result of the Traffic Safety Committee's consideration respecting this matter, the following motion was adopted:

"That the presentation of Mr. Richard C. Lupton delivered at this evening's meeting be received for information purposes."

In regard to the legal implications respecting the Municipality's liability should an accident occur at this intersection subsequent to Council being advised of a vision clearance problem (in the opinion of Mr. Lupton), we have viewed the area and in our opinion a view problem does not exist if a motorist complies with the legal requirement to stop for the existing stop sign.

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Section 187 of the Provincial Motor Vehicle Act states:

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"Stopping at intersections

187. Except when a peace officer directs otherwise, where there is a stop sign at an intersection, a driver of a vehicle shall stop

- (a) at the marked stop line, if any;
- (b) before entering the marked crosswalk on the near side of the intersection; or
- (c) when there is neither a marked crosswalk nor a stop line, before entering the intersection, at the point nearest the intersecting highway from which the driver has a view of approaching traffic on the intersecting highway."

Further to the above, Section 177 (1) states:

"Entering through highway

177. (1) Where a vehicle which is about to enter a through highway has stopped in compliance with section 187,

- (a) the driver of the vehicle shall yield the right of way to traffic that has entered the intersection on the through highway or is approaching so closely on it that it constitutes an immediate hazard; and
- (b) having yielded, he may proceed with caution."

Should a motor vehicle accident occur in the subject intersection it could be for any number of reasons. Should a driver claim the hedge was a contributing factor and there was a disagreement then the issue would have to be settled in a Court of Law.

Our Solicitor concurs with the above report.


DIRECTOR ENGINEERING

Hb/ch

- c.c. () Traffic Supervisor
- () Secretary, Traffic Safety Committee