

CITY OF BURNABY

TRANSPORTATION COMMITTEE

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*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: CYCLISTS AT URBAN TRAIL ROADWAY CROSSING

RECOMMENDATION:

1. **THAT** Council forward a copy to ICBC (Road Safety Strategic Initiatives), 151 W. Esplanade, North Vancouver, BC V7M 3H9, for review and comment.

REPORT

The Transportation Committee, at its meeting held on 2003 June 11, received and adopted the attached report discussing the status of cyclists crossing roadways at urban trail intersections and alternatives that could allow for them to ride within marked pedestrian crosswalks.

Respectfully submitted,

Councillor Nick Volkow
Chair

Councillor Doug Evans
Vice Chair

Councillor Lee Rankin
Member

COPY: CITY MANAGER
DIRECTOR ENGINEERING

City of Burnaby

INTER-OFFICE COMMUNICATION

TO: TRANSPORTATION COMMITTEE **DATE:** 2003 06 03
FROM: ASST. DIRECTOR ENGINEERING,
TRAFFIC & ENGINEERING SYSTEMS **FILE:** 94000-02
SUBJECT: CYCLISTS AT URBAN TRAIL ROADWAY CROSSINGS
PURPOSE: To discuss the status of cyclists crossing roadways at urban trail intersections and alternatives that could allow for them to ride within marked pedestrian crosswalks.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to ICBC (Road Safety Strategic Initiatives), 151 W. Esplanade, North Vancouver BC, V7M 3H9, for review and comment.

REPORT

1.0 INTRODUCTION

At the November 28th 2002 BAC meeting, a Committee member brought forward the issue that cyclists must dismount at urban trail crossings of roadways and cross as pedestrians, which is rarely adhered to either because of the inconvenience or ignorance of the BC Motor Vehicle Act. The BC MVA defines cyclists and their rights and responsibilities with respect to sidewalks and crosswalks, essentially prohibiting them except where invited by sign or Municipal Bylaw. The Committee requested that staff report on initiatives that could allow for cyclists to ride within those crosswalks thereby mitigating their liability in the event of a collision.

2.0 BACKGROUND

Amongst all the other “Rights and Duties of Operator of Cycle” the BC Motor Vehicle Act (MVA) states:

- “183 (1) *In addition to the duties imposed by this section, a person operating a cycle on a highway has the same rights and duties as a driver of a vehicle.*
- (2) *A person operating a cycle*
- (a) *must not ride on a sidewalk **unless authorized by a bylaw made under section 124 or unless otherwise directed by a sign,***
 - (b) *must not, for the purpose of crossing a highway, ride on a crosswalk **unless authorized to do so by a bylaw made under section 124 or unless otherwise directed by a sign,***
- (14) *A person must not operate a cycle*
- (a) *on a highway without due care and attention or without reasonable consideration for other persons using the highway, or*
 - (b) *on a sidewalk without due care and attention or without reasonable consideration for other persons using the sidewalk.”*

Presumably 183(14)(b) above is applicable if the cyclist is permitted via section 124. Section 124 of the Motor Vehicle Act deals with “Municipal Powers” and commences as follows:

- “124 (1) *The council of a municipality may, by bylaw not inconsistent with or derogatory to this Part, provide for the following:*
- (a) *the placing or erection of traffic control devices to give effect to this Act or a bylaw adopted under this section;*
 - (b) *the regulation, control or prohibition of pedestrian traffic, ridden or herded animals, vehicular traffic and traffic by other conveyances, either singly or together, on sidewalks, walkways or boulevards, or in or on lanes or ways separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lanes or ways, and at intersections of the lanes or ways with each other or with highways;*

- (v) *the use, in places, under conditions and in circumstances specified by the bylaw, of sidewalks and crosswalks by persons riding cycles.*”

Further, with respect to “rights of way between vehicle and pedestrian” the MVA states:

“179 (1) Subject to section 180, the driver of a vehicle must yield the right of way to a pedestrian where traffic control signals are not in place or not in operation when the pedestrian is crossing the highway in a crosswalk and the pedestrian is on the half of the highway on which the vehicle is travelling, or is approaching so closely from the other half of the highway that he or she is in danger.

- (2) A pedestrian must not leave a curb or other place of safety and walk or run into the path of a vehicle that is so close it is impracticable for the driver to yield the right of way.*

180 When a pedestrian is crossing a highway at a point not in a crosswalk, the pedestrian must yield the right of way to a vehicle.”

Accordingly, it is left ambiguous whether a “permitted” cyclist in a crosswalk has to exercise the same duties that a pedestrian must follow (section 179[2]).

3.0 REVIEW

The options presented by the Motor Vehicle Act are to:

1. Allow cyclists to use all sidewalks and crosswalks. Signing would be required to except those locations where it was undesirable.
2. Allow cyclists to use specific sidewalks and crosswalks. This could presumably be implemented by signing.

These approaches are discussed below.

3.1 Universal Exemption / Site Specific Restrictions

It appears that the majority of cities in North America explicitly prohibit cycling on sidewalks. New Westminster is an exception.

The City of New Westminster Street & Traffic Bylaw in its “Regulation of Cycle” states:

- “501.1 Unless the context otherwise requires, a person operating a **cycle** on a **street** has all the rights and is subject to all the duties that any **vehicle** operator has under this bylaw.
- 501.2 a person operating a **cycle** on any **sidewalk**, footpath, or walkway in the **City** shall operate the **cycle** only in such a way that it will not interfere with a pedestrian lawfully on or using said **sidewalk**, footpath or walkway.
- 501.3 No person on a **cycle** shall operate the **cycle** on any **sidewalk**, footpath or walkway set out in a Schedule attached to and forming part of this bylaw.”

The bylaw further deals with “Regulation of Roller Skates and Skateboard” as follows:

- 502.1 No person on roller skates, skateboards or other similar means of transportation other than a **motor vehicle**, shall be upon any **street** except while crossing such **street** in a **crosswalk**.
- 502.2 No person on roller skates, skateboards or other similar means of transportation, shall be upon any **sidewalk**, footpath or walkway set out in a Schedule attached to an forming part of this bylaw.
- 502.3 A person on roller skates, skateboards or other similar means of transportation, shall ride in such a way that it will not interfere with a pedestrian lawfully on or using a **sidewalk**, footpath or walkway.”

It is presumed that cyclists are implicitly allowed to use crosswalks and that roller skates and skateboards are explicitly permitted as they are not otherwise permitted on roadways. The bylaw lists nine “sidewalks, footpaths and walkways where cycling, roller skating and skateboarding is prohibited”.

3.2 Universal Restriction / Site Specific Exemption

The City of Vancouver Street & Traffic Bylaw states in Regulating Bicycles:

“60 No person shall ride any bicycle upon any sidewalk except where posted by signs.”

Again, there is an ambiguity whether this extends to crosswalks but our understanding is that as practice cyclists are expected to dismount at crosswalks.

4.0 DISCUSSION

Our research on the use of crosswalks by cyclists did not yield any North American sites where bicycles can travel through crosswalks. There are applications for bicycle signals in Europe and Australia but these seem to be geared to a mid-block crossing of a vehicle stream. The extension of this practice to an urban intersection is fraught with difficulty given turning movements.

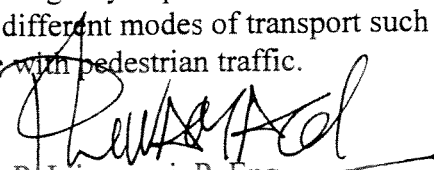
The cyclist would, as a minimum, be required to come to a full stop and exercise the "duties" of a pedestrian before crossing with the rights of a pedestrian. However, just as there are pedestrians who are overconfident and less vigilant than they should be at marked crosswalks, so also will there be cyclists. Motorists in turn are often discourteous if not ignorant of pedestrians rights. The addition of cyclists to the pedestrian mix is not likely to enhance motorists' understanding and behaviour at crosswalks, and maybe detrimental to both vulnerable user groups.

Clearly if there are crossing locations where the cyclist assumes the rights and duties of a pedestrian then there must be advance warning signing to alert all users of this exceptional location. The signing needs to be standardized and people need to be educated as to its use.

5.0 CONCLUSION

It would appear that, notwithstanding the New Westminster bylaw, most jurisdictions and indeed many cycling advocacy groups do not favour the comingling of cyclists with pedestrians on sidewalks. Clearly there are circumstances, for example on urban trails, where it is safe and appropriate to do so. It follows then that there are circumstances where it would make sense for a cyclist to cross a road with pedestrians without having to dismount. However, where this can be done it must be done with safety.

For it to be done safely, there should be a uniform approach to application, signing, and regulation, provincially if not nationally, as well as a comprehensive program of user education and enforcement. In BC the logical agency to pursue this issue is ICBC which will increasingly have to address the mix of different modes of transport such as motorized scooters, wheelchairs and the like with pedestrian traffic.


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ASST. DIRECTOR ENGINEERING,
TRAFFIC & ENG. SYSTEMS

MDS/PL:

cc: City Manager