

Cycling Safety & Passing

Date	March 17, 2021
To	Operations and Community Services Committee
From	Citizen Services
Service Area	Roadways & Transportation
Item No.	OCS21-11

RECOMMENDATION

The Operations and Community Services Committee recommends that City Council:

1. Approve the recommendations as detailed in Appendix A to this report.
2. Remove item CR20-22 from the List of Outstanding Items for the Community and Protective Services Committee.
3. Remove item PWI20-6 from the List of Outstanding Items for the Public Works and Infrastructure Committee.
4. Instruct the City Solicitor to prepare the bylaws(s) required to give effect to the recommendations in Appendix A to this report, to be brought forward to the meeting of City Council following approval of the recommendations by Council.
5. Approve these recommendations at its March 31, 2021 meeting.

ISSUE

This report provides recommendations, options and implications for *Traffic Bylaw* amendments and educational awareness to enhance cycling safety, including minimum passing distances in response to a motion from the April 29, 2020 (MN19-19) meeting of City Council.

IMPACTS

Financial Impact

There will be a cost of \$30,000 in 2021 for a cycling educational campaign. These funds have already been secured from the Automated Speed Enforcement account.

Policy/Strategic Impact

The available options are consistent with *The Official Community Plan, Bylaw No. 2013-48* (OCP), specifically:

Section D3, Goal 1 – Sustainable Transportation Choices, “Offer a range of year-round sustainable transportation choices for all, including a complete streets framework.”

- *5.7 Proactively and strategically promote walking, cycling, carpooling and transit choices by using City and community-led programs and organizations to provide education and promote awareness.*

The available options are consistent with *The Transportation Master Plan*, specifically:

- *4.6 Develop a strategy to increase awareness of active transportation mode opportunities and their benefits.*
- *4.32 Increase education and awareness about how motor vehicles and cyclists can safely share road space. Materials and resources should be developed with community partners including SGI Canada.*

Environmental Impact

The City of Regina has a community goal of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this, City Council has asked Administration to provide energy and greenhouse gas implications of recommendations so that they can evaluate the climate impacts of their decisions. A broad range of initiatives are necessary to achieve our sustainability goals. Promoting and improving access to active transportation options helps encourage people to use ways of getting around other than a personal vehicle. It is difficult to quantify the reduction in energy consumption or greenhouse gas emissions related to this recommendation. However, improving active transportation options can draw down personal GHG emissions footprints by as much 4 tonnes CO₂e per year if those options lead to individuals using active modes of transportation.

There is no accessibility or other implications or considerations.

OTHER OPTIONS

An alternative reviewed by Administration to Option 1 is:

Option 2: Establish minimum passing distances in the *Traffic Bylaw* (Not Recommended)

The original motion from Committee requested that Administration consider requiring vehicles to pass a cyclist with a distance of 1.0 metres at speed limits 50 kilometres per hour or less and 1.5 metres at speed limits over 50 kilometres per hour.

Further details and consideration on Option 2 are found at the end of the report's discussion section, with respect to its impacts on Administration's recommendation for Option 1. It is described as Amendment 10 and would establish a fine for violation of \$180.

COMMUNICATIONS

In the summer of 2020, Administration developed a cycling campaign that addresses three pillars:

- safety education for cyclists
- promotion of existing and new cycling infrastructure across the city
- shifting behaviours of cyclists and drivers towards mutual respect in sharing the road

This campaign will continue in 2021 and will support and enhance the recommended *Traffic Bylaw* amendments contained in this report, pending Council approval.

DISCUSSION

At its October 28, 2019 meeting, City Council passed, a referral motion (*MN19-19*) and it was resolved that:

A report be written by City Administration to the Community & Protective Services Committee in Q1 of 2020 with additional information that includes options, implications, protective gear such as helmets etc., and consultation with other municipalities related to implementing a fine structure and Bylaw enforcement respecting cycling safety.

At its April 29, 2020 meeting, City Council considered reports (*CPS20-8* and *CR20-22*) in response to *MN19-19* and passed a motion and it was resolved that:

1. *Implement an education awareness campaign, as outlined in "Motorist and Cycling Distance – Option 2".*
2. *Implement a communication plan to educate residents on the benefit of wearing helmets and the use of additional safety equipment on bicycles, as outlined in "Helmets and Cycling Safety - Option B".*
3. *Direct Administration to prepare a report to be brought back to the Community & Protective Services Committee in Q3 of 2020 with respect to requiring motorists to maintain a distance of 1.5 metres when passing a cyclist with a speed higher than 50 kilometres per hour, and one metre when passing a cyclists with a speed of 50 kilometres per hour or less.*

Administration returned to the September 23, 2020 meeting of Public Works and Infrastructure in response to item 3 from the above referral motion with report *PW120-6*. Following discussions on the report, the Committee referred *PW120-6* back to the

Administration for response to Committee's questions and to have Administration consult with Bike Regina and other cycling organizations regarding these amendments and include them in a report to the January 2021 meeting of Public Works and Infrastructure Committee meeting.

Some of the amendments proposed at the September 23, 2020 meeting were time sensitive due to the opening of a new protected bicycle lane on Park Street. These amendments went forth to City Council at its October 28, 2020 meeting (CR20-32) and Council passed the Bylaw amendments relating to bike lanes.

The Administration reviewed *The Traffic Safety Act (the Act)* and completed a jurisdictional review of other bylaws, provincial acts, and regulations (Appendix B). Saskatchewan's provincial legislation, including *the Act*, has only a few provisions that regulate pedal bicycles, and none that regulate the passing distance between motor vehicles and pedal bicycles unlike many other provinces.

The *Traffic Bylaw* already contains a section that requires cyclists to operate a bicycle in accordance with the applicable rules of the road as set out in *the Act*. Many jurisdictions use a combination of regulations for both motorists and cyclists to maximize safety while ensuring adequate traffic flow.

Administration engaged with the Traffic Bylaw Working Group (TBWG) for the proposed bylaw amendments to enhance cycling safety, including provisions to require motorists to maintain 1.5 metre and 1.0 metre passing distances on roads with speeds of 50 kilometres per hour or less and higher than 50 kilometres per hour respectively. The TBWG is comprised of members from Traffic Engineering Branch, Regina Police Service, Bylaw Enforcement, City Solicitor's Office and Parking Services. The Infrastructure Engineering Branch, who is establishing cycling infrastructure standards in the City of Regina, also attended these TBWG meetings to provide a review of the proposed amendments and how they relate to the *Transportation Master Plan* (TMP).

After the September 23, 2020 committee meeting, Administration undertook an engagement session with members from Bike Regina and Regina Cycle Club on the proposed amendments in this report. The session was productive, and the groups generally agreed with the amendments except where noted below. The cycling advocacy groups will continue to be a valuable resource for any future cycling related Traffic Bylaw amendments.

The below options were reviewed and considered:

Option 1: Cycling Safety - Traffic Bylaw Amendments (Amendments 1-7) (Recommended)

Cycling is a healthy transportation option and is encouraged and promoted through Regina's *TMP* and the *OCP*. This recommended option strives for a holistic approach to improve cycling safety by addressing both direct and indirect impacts on cyclist safety, while ensuring a practical implementation of regulations for both general traffic flow and ability to successfully enforce the *Traffic Bylaw*.

Through extensive discussions, the TBWG recommend items 1 through 7 as bylaw amendments, and support goals for improved cycling safety in Regina. Items 8 and 9 were

recommended by TBWG however Administration is not recommending them at this time without further study.

Amendment 1:

Add to *section 9.1* of the *Traffic Bylaw* a provision to require the driver of a vehicle to drive in a manner that is reasonable and prudent when approaching any special hazard that exists with respect to cyclists or other active transportation modes. Establish a fine for violation of \$180 in *Schedule K* of the *Traffic Bylaw*.

An example of a special hazard would be causing a puddle to splash a cyclist. *Section 213(2)* of *the Act* states that “*no person shall drive a vehicle on a highway without reasonable consideration for other persons using the highway*”. This section has a fine amount of \$500 for a first-time offence, and \$1000 for a second offence in a 12-month period, and a \$1500 for a third offence in a 12-month period.

This provision of *the Act* can be and has been used to address egregious driver behaviour near cyclists. However, the large fine for the offence sometimes limits a peace officer's appetite for use of this section with less serious, yet still improper activities, such as failing to slow as appropriate when in the vicinity of cyclists. This proposed new amendment to the *Traffic Bylaw* will provide more discretion for Regina Police Service's enforcement to ensure motorists are penalized for more moderate unsafe acts near cyclists.

It should be noted that adding this proposed amendment to the *Traffic Bylaw* does not preclude Regina Police Service from issuing an offence under *Section 213* of *the Act*, rather this proposed bylaw amendment and the choice of provision would be at the officer's discretion based on the severity of the incident.

Amendment 2:

Add to *section 9.1* of *Traffic Bylaw* prohibiting the driver of a vehicle from following a cyclist more closely than is reasonable and prudent, without due regard for the speed of the bicycle. Establish a fine for violation of \$100 in *Schedule K* of the *Traffic Bylaw*.

Anecdotal accounts from cyclists self-reporting hazards or near miss incidents indicate they frequently experience aggressive encounters with impatient motorists when operating on narrow or obstructed roadways with insufficient room for the faster moving vehicle to pass the cyclist. The intent of this provision would be to penalize a driver who follows a cyclist closer than is reasonably safe, whether by ignorance, or as a deliberate attempt to intimidate cyclists who are lawfully occupying the street. The requirement to maintain an appropriate distance from a cyclist also improves the vehicle's ability to avoid a collision with a cyclist who stops suddenly or who falls from the bicycle.

It should be noted adding this proposed amendment to the *Traffic Bylaw* does not preclude Regina Police Service from issuing an offence under *Section 213(1)* of *the Act*, which states that “*no person shall drive a vehicle on a highway without due care and attention*”.

Amendment 3:

Add to *Section 11* of the *Traffic Bylaw* prohibiting the driver of a motor vehicle from passing a cyclist in the same lane that the cyclist is occupying. Establish a fine for violation of \$85 in *Schedule K* of the *Traffic Bylaw*.

The intent of this provision is to ensure motorists have a clear understanding of the right of cyclists to operate as a vehicle in a travelling lane where no dedicated cycling lanes exist.

Where two or more lanes exist in one direction it would also require a motorist to change lanes to pass the cyclist, thus providing a much larger buffer space for the cyclist. Some disruption to traffic may occur where there is only one lane in a direction as a motorist is prohibited from crossing a yellow line to pass in both *the Act* and the *Traffic Bylaw*. The vehicle would then have to wait for the appropriate time to pass a cyclist.

There was some concern from the cycling groups that the language of the bylaw is not specific enough to improve safety. The rationale for this wording is explained in more detail in Amendment 10 below; in short, the amendment as worded increases the chances of prosecution if a ticket is issued.

Amendment 4:

Add to *Section 11* of the *Traffic Bylaw* requiring the driver of a motor vehicle to pass a cyclist at a speed no greater than 50 kilometres per hour, or for streets with a posted speed limit equal to or exceeding 80 kilometres per hour at a speed no greater than 70 kilometres per hour, with exceptions for:

- a. passing cyclists who are operating in a designated bicycle lane
- b. where two or more lanes of travel in the same direction exist and the vehicle is travelling with at least one full lane away from the cyclist occupying the shoulder

Establish a fine for violation of \$180 in *Schedule K* of the *Traffic Bylaw*.

This provision requires that a motorist slow down to pass a cyclist on any roadway that has a speed limit of greater than 50 kilometres per hour, where the risk of serious injury or death to a cyclist is greatest. It will also give enforcing officers a definitive standard to use for any motorist who may be speeding while passing a cyclist.

There may be some impact to traffic flow where there are high volumes of traffic operating on a high-speed roadway and vehicles are not able to change lanes and subsequently must reduce their speed. However, the time required to pass a cyclist is minimal and traffic will be able to quickly resume regular operating speeds.

Amendment 5:

Add to *subsection 53(1)* of the *Traffic Bylaw* which already states that no person shall open the door of a vehicle unless it is safe to specifically include a reference to cyclists. Change the fine for violation from \$70 to \$180 in *Schedule K* of the *Traffic Bylaw*.

A frequent concern for cyclists is the hazard of stopped vehicles suddenly opening a car door into their travelling path without adequate time to stop or safely maneuver around the obstacle, resulting in a collision between the cyclist and the car door. This type of collision is known as 'dooring'. Although cycling collision data is inconsistently collected in North America, a review of available data, studies and self-reported anecdotal accounts, suggest that of the collisions where cyclists are not at-fault, dooring is one of the leading causes of injury.

The *Traffic Bylaw* currently has this provision and is enforceable as written, but an explicit reference to cyclists will help to frame the concern in a manner that better highlights the risk as being one to road user (cyclist) rather than to property (driver's car door).

The existing fine amount for this offence is \$70. Administration recommends a fine increase to \$180 in keeping with other summary offence fines in the *Traffic Bylaw* for drivers of vehicles with respect to offences towards vulnerable road users, such as pedestrians. Jurisdictions vary in their fine amounts for this offence, with examples ranging from \$81 (BC), who in Fall 2020 raised their fine to \$368, to \$365 (Ontario) or the highest amount noted, \$1000 (Chicago, USA).

It should be noted the proposed amendment does not require a cyclist collision or injury be sustained to be considered an offence.

In addition to the proposed amendment, Administration intends to include motorists' safe door opening in the forthcoming educational campaign. The risk of 'dooring' will also be diminished where protected or separated cycling infrastructure exists.

Amendment 6:

Add to *sections 7 and 81* of the *Traffic Bylaw* to permit cyclists to operate on a street designated as a one-way street in the opposite direction where a contraflow bicycle only lane exists as marked by signs or pavement markings.

This amendment would ensure bicycles can operate in a designated contraflow bicycle lane despite traveling against the prescribed one-way direction required for vehicles. It should be noted it would still be an offence for a cyclist to operate in the wrong direction of a one-way street without dedicated cycling infrastructure. This offence currently exists in the *Traffic Bylaw* for all vehicles, including cyclists with a fine for offence of \$100 in *Schedule K* of the *Traffic Bylaw*. It would be at an officer's discretion to issue a ticket to a cyclist for this offence.

Amendment 7:

Administration recommends adding to *section 9.1* of the *Traffic Bylaw* prohibiting cyclists from operating on the Ring Road and establishing a fine for violation of \$85 in *Schedule K* of the *Traffic Bylaw*. The limits that are recommended to be prohibited to cyclists are from 200 m East of Pasqua Street to Victoria Avenue. The exact wording of the bylaw amendment will reflect the legal name of the 'Ring Road' as described in The *Traffic Bylaw 9900*. This not a prohibition on the provincially governed and newly constructed Regina Bypass or any of its connections.

Administration recognizes the increased amount of active transportation occurring in our City. When Ring Road was originally constructed, consideration was not given to the design of the roadway to allow for the presence of cyclists and other active transportation. The intent of this provision is to protect cyclists and remove conflict points on a 100 kilometres per hour expressway. The access points on and off the expressway are free-flowing and present a greater hazard to cyclists, due to the uncertainty of drivers, when compared with highspeed roads with controlled intersections.

Through engagement with cycling groups, some concerns were expressed on limiting access to the Ring Road. Administration was able to communicate the safety concerns to the cycling groups and while the cycling groups acknowledged that there would always be some concerns with any limitations, that they understood the City's safety concerns due to the high risk of collision between cyclists and vehicles of due to the lack of geometrics that allow the safe integration of cyclists and high speed, free flowing traffic.

Amendments Requiring Further Research (Not Recommended at this time)

Amendment 8:

Administration considered prohibiting cyclists from operating on roadways with a posted speed greater than 50 kilometres per hour, unless the cyclist is operating in a designated bicycle lane or upon a paved shoulder of at least two metres.

The intent of this provision was to ensure cyclists are not encouraged to operate on a roadway which may be unsafe due to the speed differential of vehicular traffic and bicycle traffic and the likelihood of severe injury should a collision occur.

Through the engagement session with the cycling groups there were concerns that this amendment would impact the ability of cyclists reaching the city limits for recreational rides. While riding a bicycle on high speed roads with little or no shoulder is not recommended for most cyclists from a traffic safety perspective the Administration is doing further analysis and assessment to discern the impacts of the few cyclists who use these roads for reaching the city limits.

Amendment 9:

Administration considered requiring cyclists riding at a speed slower than the normal and reasonable flow of motor vehicle traffic to ride as near to the right side of the right through lane as is safe with exemptions for:

- a. all road hazards including fixed objects, parked or moving vehicles and road surface hazards
- b. when operating in a bicycle only lane, protected bicycle lane, advisory bicycle lane or upon a cycle track or mixed-use path
- c. executing a left turn
- d. overtaking another vehicle or cyclist traveling in the same direction
- e. for one-way roads with more than one lane, cyclists may also ride as near to the left side of the left through lane as is safe

This provision is typically a standard provision in provincial legislation; however, it is not present in Saskatchewan's *Traffic Safety Act*. The goal in adding this provision was to balance the needs of traffic flow with cycling safety. This amendment would have allowed vehicles to pass in certain circumstances where there is only one driving lane in a single direction and a cyclist could safely occupy the right portion of the roadway such that a vehicle could safely pass the cyclist.

Although the intent of this amendment was not to imply cyclists may only ever ride to the far right and allowances were made for various situations, including the hazards of parked vehicles for example, there were a few concerns with this amendment raised at the engagement process.

The primary concern from cycling groups was that cyclists, those less experienced, may feel obligated to occupy portions of the road that are more hazardous to comply with a misinterpretation of the bylaw. Another concern was that by requiring cyclists to use a vacant parking lane it may create a circumstance where a cyclist must weave in and out of the driving lane. Lane changes are conflict points with motorists and minimizing the need for them decreases risk for cyclists.

By not including this amendment in the Traffic Bylaw it clarifies that a cyclist can 'own' a lane. It is possible that if a cyclist occupies the middle of the lane, is moving slower than the flow of motorized traffic and there is no other lane in which the motorized vehicle can pass the cyclist it will create some traffic flow problems however this has not been a significant issue to date. Administration will continue to evaluate and assess whether amendments to the Traffic Bylaw to direct cyclists are needed in the future.

Option 2: Establish minimum passing distances in the *Traffic Bylaw* (Not Recommended)

Item 10 is the amendment City Council raised in *MN20-19* which proposed a defined distance between vehicles and cyclists when a vehicle passes a cyclist. Administration does not recommend that Council pass this requested amendment for the reasons identified below under the heading "Disadvantages". If Council chooses to approve item 10 of Option 2, then proposed amendments 1-4 from Administration's recommended Option 1 are incompatible and should be removed from any approved combination of Option 1 and Option 2. In this instance, items 1-4 could be reconsidered at a future time based on the efficacy of item 10.

Amendment 10 (as articulated in *MN20-19*):

Require the driver of a motor vehicle to pass a cyclist with a minimum distance of 1.0 metres on roads with a speed limit of 50 kilometres per hour or less and require the driver of a motor vehicle to pass a cyclist with a minimum distance of 1.5 metres on roads with a speed limit exceeding 50 kilometres per hour.

Establish a fine for violation of \$180 in *Schedule K* of the *Traffic Bylaw*.

Advantages:

- Motorists have clear guidance on a prescribed safe passing distance.
- The distances specified are aligned with best practices for passing cyclists.
- Residents may be more encouraged to choose cycling as a transportation with a regulated passing distance.

Disadvantages:

- Enforcement Issues:

The primary issue with enforcing this section of the *Traffic Bylaw* will be measuring the distance between a cyclist and a motorist while they are in motion. Administration has discussed this issue extensively with Regina Police Service who would be tasked with enforcing this moving violation. Regina Police Service advised

Administration that an enforcing officer would not have a method of confidently and accurately measuring the distance between the motorist and cyclist while the parties were in motion, in a manner that would yield a successful prosecution. Other jurisdictions have used a measurement device that can be installed on the bicycle however that would only be useful in situations where the officer is the cyclist and would not benefit regular cyclists operating on the road network.

The addition of the provision in the Bylaw could increase the number enforcement requests to Regina Police Service from cyclists. While complaints would be investigated, the process is lengthy and unlikely to lead to charges or successful convictions.

- Traffic Flow Impacts:

A cyclist passing distance amendment may cause traffic flow issues where motorists are unable to pass cyclists due to insufficient widths or where a centre line precludes passing. The designs of some roadways may not leave enough room for a motorist to pass a cyclist which is in a bicycle only lane. If this amendment is pursued Administration would recommend an exclusion of this section for passing cyclists who are in dedicated bicycle only lanes.

In addition, this amendment could become problematic at signalized intersections. If a cyclist is waiting in the curb lane for a red light a vehicle would not be able to pass to make a right turn at the red light. The designs of the City of Regina's signalized intersections rely on this movement and limiting it may create traffic flow issues at some intersections. If this amendment is pursued Administration would recommend that it apply only to cyclists in motion.

DECISION HISTORY

At the October 28, 2019 meeting of City Council, a referral motion (*MN19-19*) was passed and it was resolved that a report would be brought back to Community & Protective Services Committee containing additional cycling safety information and a municipal review of fines and Bylaws as they relate to Cycling Safety.

At its April 29, 2020 meeting of City Council reports (*CPS20-8* and *CR20-22*) were considered in response to *MN19-19* and it was resolved to implement an educational awareness campaign regarding motorist and cycling distances as well as the use of helmets and cycling safety.

At the September 23, 2020 meeting of Public Works and Infrastructure, a referral motion was passed and it was resolved that a report would be brought back to the next meeting of

Public Works and Infrastructure Committee after engaging with Bike Regina and other cycling groups on the proposed amendments.

Respectfully submitted,


Chris Warren, Director, Roadways & Transportation

12/30/2020

Respectfully submitted,


Kim Ohra, Executive Director, Citizen Services

3/11/2021

Prepared by: Danae Lemieux, Senior Engineer

ATTACHMENTS

Appendix A - Proposed Amendments to The Regina Traffic. Bylaw No. 9900

Appendix B - Jurisdictional Review