

December 23, 2010

VIA E-MAIL: Sonya.Kapusin@cima.ca

Sonya Kapusin
CIMA+
3380 South Service Road
Burlington ON L7N 3J5

Dear Ms. Kapusin:

RE: Public and Community Stakeholders Survey Amendments to the Highway Traffic Act to Support and Promote Active Transportation

I am writing to you on behalf of the Toronto Coalition for Active Transportation (TCAT), which was formed in 2006 to unite all of the organizations and groups in the Toronto area working for a better cycling and pedestrian environment in Toronto. TCAT has worked closely with Clean Air Partnership (CAP) since its inception and became a project of CAP in 2008. TCAT guides the active transportation programming at CAP and has expanded its activities to other communities in Ontario.

Within this capacity, TCAT has established itself as respected voice on matters concerning the safety of cyclists and pedestrians. We have a solid understanding of how other jurisdictions throughout North America and Europe plan for and regulate active transportation.

The original purpose of the Highway Traffic Act was to respond to the increase in motorized vehicle traffic and its attendant dangers. Over time, the HTA was amended to include bicycles as vehicles, which was an important step to establish the rights of cyclists as legitimate road user and to enhance safety on Ontario's roads. However, it is now crucial that the HTA reflect the differences between different modes of transportation because the risks involved in using each mode of transportation are not equal.

The most important step is that the HTA recognize a "hierarchy" of road users whereby greater rights are afforded to the more vulnerable (pedestrians and cyclists) while greater obligations are given to the least vulnerable (motorists). In his 1998 report on cycling fatalities in the City of Toronto, the regional coroner's, described the current problems with the HTA as:

Ontario's Highway Traffic act presently does little to clarify how bicycles interact with other traffic on our roads. The concept of motorized vehicles yielding to non-motorized vehicles, which in turn must yield to pedestrians, seems to be a common sense rule which should be accepted by all road users. Entrenching this principle in the HTA would clarify the situation, and likely significantly reduce risk of injury and death. (emphasis added)¹

¹ W. J. Lucas, "A report on cycling fatalities in Toronto 1986 – 1998" (1998) *Chief Coroner of the Province of Ontario*. Online: http://www.toronto.ca/cycling/reports/coroner/coroner_appendix.htm

While we recognize the importance for having traffic laws that address all road users, the HTA can and should reflect the differences between bicycles and motor vehicles. This includes providing additional safety measures for cycling as well as taking measures to exempt cyclists from laws where appropriate, and eliminating some laws altogether. Examples of this include permitting cyclists to yield at stop signs, to travel in either direction on residential one-way streets and removing “nuisance requirements” that provide few safety benefits but increase barriers to cycling and walking.

We have included detailed responses to the survey on amendments to the Highway Traffic Act. Our recommendations include changes to existing sections. Additionally, we recommend repealing certain sections and provide recommendations for adopting new sections altogether.

Throughout North America and Europe, governments are recognizing the need to promote active transportation to ensure healthy and vibrant communities. To do so, legal reforms are changing the way we regulate motor vehicle traffic to ensure pedestrians and cyclists have access to safe streets. This includes removing barriers like excessive penalties and recognizing that motorists bear a higher burden of ensuring their actions do not jeopardize the safety of cyclists and pedestrians.

Thank you for the opportunity to comment on this important initiative. We look forward to seeing a strengthened HTA that is no longer behind the times in its treatment of walking and cycling compared with other North American or European jurisdictions.

Sincerely,



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